TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Elaine Lucas, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney
Litigation Division

From: David Keagle Staff Attorney
Litigation Division

Date: February 20, 2025

Subject: **Backup Revision**
February 27, 2025 Commission Agenda
Item No. 14 NORTHWEST PETROLEUM LP
Docket No. 2020-1267-PST-E

Enclosed please find the following:

Page 2 of the Executive Summary:

Edited to reference that Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on September 3, 2020.

Respondent Contact:
Fazil Malik, Managing Member
NORTHWEST PETROLEUM LP
12900 Queensbury Lane, Suite 201
Houston, Texas 77079

Please do not hesitate to call David Keagle at (512) 239-3400 if you have any questions regarding this matter.

cc: Karolyn Kent, Enforcement Division
Jack Higginbotham, San Antonio Regional Office
Gill Valls, Office of the General Counsel
Michael Parrish, Enforcement Division
Leslie Gann, Enforcement Division
Stuart Beckley, Enforcement Division

Violation Information

1. Failed to assure that all UST recordkeeping requirements were met [30 TEX. ADMIN. CODE § 334.10(b)(2)].

2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

3. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs [TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i)].

Corrective Actions/Technical Requirements

Corrective Action Completed:
~~None~~

Technical Requirements:
1. Immediately begin maintaining all UST records, including corrosion protection records, and ensure that they are immediately made available for inspection upon request by agency personnel.

2. Within 15 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petitions Filed: July 28, 2022; August 7, 2023; October 31, 2023

Dates of Service: August 1, 2022; Unclaimed; November 3, 2023

Date Answer Filed: March 9, 2023

SOAH Referral Date: April 12, 2023

Hearing Dates:
Preliminary hearing: June 8, 2023
Evidentiary hearing: November 14, 2023

Settlement Date: November 6, 2024

Contact Information

TCEQ Attorneys: David Keagle, 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: Karolyn Kent, Enforcement Division, (512) 239-2536

TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Fazil Malik, Managing Member, NORTHWEST PETROLEUM LP, 12900 Queensbury Lane, Suite 201, Houston, Texas 77079

Respondent's Attorney: N/A

Violation Information

1. Failed to assure that all UST recordkeeping requirements were met [30 TEX. ADMIN. CODE § 334.10(b)(2)].

2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

3. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs [TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i)].

Corrective Actions/Technical Requirements

Corrective Action Completed:
The Executive Director recognizes that Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on September 3, 2020.

Technical Requirements:
1. Immediately begin maintaining all UST records, including corrosion protection records, and ensure that they are immediately made available for inspection upon request by agency personnel.
2. Within 15 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petitions Filed: July 28, 2022; August 7, 2023; October 31, 2023

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TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Fazil Malik, Managing Member, NORTHWEST PETROLEUM LP, 12900 Queensbury Lane, Suite 201, Houston, Texas 77079

Respondent's Attorney: N/A

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59897
NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart
RN109830588
Docket No. 2020-1267-PST-E

Order Type:
Agreed Order

Media:
PST

Small Business:
Yes

Locations Where Violations Occurred:
8922 Airport Boulevard, San Antonio, Bexar County

Type of Operation:
an underground storage tank system and a convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes, 2020-0245-PST-E; 2021-0584-PST-E; 2023-1191-PST-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: January 10, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: $8,688

Total Paid to General Revenue: $1,758

Total Due to General Revenue: $6,930
Payment Plan: 35 payments of $198

Compliance History Classifications:
Person/CN – High
Site/RN – Satisfactory

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date: N/A

Date of Investigation: September 1, 2020

Date of NOV: N/A

Date of NOE: September 15, 2020

Violation Information

1. Failed to assure that all UST recordkeeping requirements were met [30 TEX. ADMIN. CODE § 334.10(b)(2)].

2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

3. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs [TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i)].

Corrective Actions/Technical Requirements

Corrective Action Completed:
None

Technical Requirements:
1. Immediately begin maintaining all UST records, including corrosion protection records, and ensure that they are immediately made available for inspection upon request by agency personnel.

2. Within 15 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petitions Filed: July 28, 2022; August 7, 2023; October 31, 2023

Dates of Service: August 1, 2022; Unclaimed; November 3, 2023

Date Answer Filed: March 9, 2023

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TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, (512) 239-2536

TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Fazil Malik, Managing Member, NORTHWEST PETROLEUM LP, 12900 Queensbury Lane, Suite 201, Houston, Texas 77079

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

DATES						
	Assigned	21-Sep-2020				
	PCW	21-Jan-2021	**Screening**	28-Sep-2020	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart		
Reg. Ent. Ref. No.	RN109830588		
Facility/Site Region	13-San Antonio	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	59897	**No. of Violations**	3
Docket No.	2020-1267-PST-E	**Order Type**	1660
Media Program(s)	Petroleum Storage Tank	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Hailey Johnson
		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*** **$11,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: No adjustment for Compliance History.

Culpability No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — ***Subtotal 5*** **-$2,812**

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

Total EB Amounts $2
Estimated Cost of Compliance $85

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$8,688**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — ***Adjustment***

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$8,688**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$8,688**

DEFERRAL **0.0%** Reduction — ***Adjustment*** **$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **$8,688**

Screening Date	28-Sep-2020	**Docket No.** 2020-1267-PST-E	**PCW**
Respondent	NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart		*Policy Revision 4 (April 2014)*
Case ID No.	59897		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN109830588		
Media	Petroleum Storage Tank		
Enf. Coordinator	Hailey Johnson		

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

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

Screening Date 28-Sep-2020 **Docket No.** 2020-1267-PST-E **PCW**

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart

Policy Revision 4 (April 2014)

Case ID No. 59897

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN109830588

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 1

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

Violation Description Failed to assure that all underground storage tank ("UST") recordkeeping requirements are met. Specifically, corrosion protection records were not available for review at the time of the investigation.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential				

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

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

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 — 27 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $250

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $250

This violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart
Case ID No. 59897
Reg. Ent. Reference No. RN109830588
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System	$45	1-Sep-2020	18-Jul-2021	0.88	$2	n/a	$2
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated delayed cost to maintain corrosion protection records. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $45

TOTAL $2

Screening Date 28-Sep-2020 **Docket No.** 2020-1267-PST-E **PCW**

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart *Policy Revision 4 (April 2014)*

Case ID No. 59897 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN109830588

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)

Violation Description Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on June 30, 2020.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 — 65 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $3,750

One annual event is recommended from the June 30, 2020 expiration date of the previous delivery certificate to the September 3, 2020 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction $937

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

Notes: The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on September 3, 2020, before the September 15, 2020 Notice of Enforcement ("NOE").

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $2,813

This violation Final Assessed Penalty (adjusted for limits) $2,813

Economic Benefit Worksheet

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart
Case ID No. 59897
Reg. Ent. Reference No. RN109830588
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$40	30-Jun-2020	3-Sep-2020	0.18	$0	n/a	$0
Notes for DELAYED costs	Estimated delayed cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form and to obtain a valid, current TCEQ delivery certificate. The Date Required is the expiration date of the previous delivery certificate 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 28-Sep-2020 **Docket No.** 2020-1267-PST-E **PCW**

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart *Policy Revision 4 (April 2014)*

Case ID No. 59897 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN109830588

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)

Violation Description Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs. Specifically, 20 fuel deliveries were accepted during a 2-month period from July 2020 through August 2020 without a valid, current TCEQ delivery certificate.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 2 — 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $7,500

Two single events are recommended (one event for each month in which a fuel delivery occurred).

Good Faith Efforts to Comply

25.0% Reduction $1,875

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

Notes: The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on September 3, 2020, before the September 15, 2020 NOE.

Violation Subtotal $5,625

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $5,625

This violation Final Assessed Penalty (adjusted for limits) $5,625

Economic Benefit Worksheet

Respondent NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart
Case ID No. 59897
Reg. Ent. Reference No. RN109830588
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				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	Economic Benefit is included in Violation No. 2.						
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 $0

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 CN603406802, RN109830588, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603406802, NORTHWEST PETROLEUM LP **Classification:** SATISFACTORY **Rating:** 0.63

Regulated Entity: RN109830588, San Antonio Airport Q Mart **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 8922 Airport Boulevard, San Antonio, Bexar County, Texas 78216-1901

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 89286

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: September 28, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 28, 2015 to September 28, 2020

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

Name: Hailey Johnson **Phone:** (512) 239-1756

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five-year compliance period? NO
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 November 29, 2017 (1454157)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

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

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING NORTHWEST PETROLEUM LP DBA SAN ANTONIO AIRPORT Q MART; RN109830588	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2020-1267-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 NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26, and the rules of the TCEQ. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates, as defined in 30 TEX ADMIN CODE § 334.2(75) and (78), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 8922 Airport Boulevard in San Antonio, Bexar County, Texas (Facility ID No. 89286) (the "Facility"). 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. 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. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.

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

4. An administrative penalty in the amount of $8,688 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid $1,758 of the penalty. The remaining amount of $6,930 shall be paid in 35 monthly payments of $198 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

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 contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on September 3, 2020.

II. ALLEGATIONS

1. During an investigation conducted on September 1, 2020, an investigator documented that Respondent:

   a. Failed to assure that all UST recordkeeping requirements were met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, corrosion protection records were not available for review at the time of the investigation;

   b. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the delivery certificate expired on June 30, 2020; and

   c. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs, in violation of TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i). Specifically, 20 fuel deliveries were accepted during a 2-month period from July 2020 through August 2020 without a valid, current TCEQ delivery certificate.

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 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 actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart, Docket No. 2020-1267-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

2. Respondent shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Order, begin maintaining all UST records, including corrosion protection records, and ensure that they are immediately made available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10; and

   b. Within 15 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

      Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

      Enforcement Division, MC 149A
      Texas Commission on Environmental Quality
      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 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. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. 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.

7. 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.

8. 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

Phillip Ledbetter

For the Executive Director — January 27, 2025
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;
- 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.

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

Signature - Fazil Malik, Managing Member — 11-6-2024
NORTHWEST PETROLEUM LP — Date
17171 Park Row Suite 295
Houston, Texas 77084

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

12900 Queensbury Ln
Ste 201
Houston, TX 77079