

Executive Summary – Enforcement Matter – Case No. 60157
The University of Texas at Arlington
RN100616697
Docket No. 2021-0060-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

University of Texas at Arlington, 1225 West Mitchell Street, Arlington, Tarrant County

Type of Operation:

Underground storage tank ("UST") system and an automotive maintenance facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 20, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,125

Amount Deferred for Expedited Settlement: \$2,025

Total Paid to General Revenue: \$8,100

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 10, 2020

Date(s) of NOE(s): October 23, 2020

Executive Summary – Enforcement Matter – Case No. 60157
The University of Texas at Arlington
RN100616697
Docket No. 2021-0060-PST-E

Violation Information

1. Failed to monitor the UST for releases at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, the annual static pressure testing of the Stage I equipment was not conducted [30 TEX. ADMIN. CODE §§ 115.222(11) and 115.225, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to ensure the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch in the Dallas-Fort Worth area. Specifically, a pressure-vacuum valve was not installed on the gasoline vent line at a facility located in non-attainment Tarrant County [30 TEX. ADMIN. CODE § 115.222(5)].
4. Failed to maintain release detection records for at least five years after the sampling, testing, or monitoring is conducted. Specifically, release detection records were only maintained for six months after the monitoring was conducted [30 TEX. ADMIN. CODE §§ 334.10(b)(2) and 334.50(e)(2)(C)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures by November 13, 2020:

- a. Installed and tested a pressure-vacuum valve for the gasoline vent line; and
- b. Conducted the Stage I static pressure test for the vapor recovery system, with passing results.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Develop and implement a procedure to ensure release detection records are maintained on-site for at least five years; and
 - ii. Implement a release detection method for the USTs.

Executive Summary – Enforcement Matter – Case No. 60157
The University of Texas at Arlington
RN100616697
Docket No. 2021-0060-PST-E

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Tyler Richardson, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-4872; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Teik Lim, Interim President, The University of Texas at Arlington, 1225 West Mitchell Street, Suite 205, Arlington, Texas 76019
Shelby Boseman, Chief Legal Officer, The University of Texas at Arlington, 1225 West Mitchell Street, Suite 205, Arlington, Texas 76019

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	26-Oct-2020	Screening	8-Dec-2020	EPA Due	
	PCW	8-Dec-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	The University of Texas at Arlington
Reg. Ent. Ref. No.	RN100616697
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60157	No. of Violations	4
Docket No.	2021-0060-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Tyler Richardson
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$1,750
---------------------------	--------------	------------	--------------------------------	----------------

Notes	Enhancement for one agreed order with denial of liability.
--------------	--

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	-\$375
--	-------------------	---------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts	\$633	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,050	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,125
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$10,125
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,125
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,025
-----------------	--------------	-----------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$8,100
------------------------	----------------

Screening Date 8-Dec-2020

Docket No. 2021-0060-PST-E

PCW

Respondent The University of Texas at Arlington

Policy Revision 4 (April 2014)

Case ID No. 60157

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100616697

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> 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

Enhancement for one agreed order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 8-Dec-2020

Docket No. 2021-0060-PST-E

PCW

Respondent The University of Texas at Arlington

Policy Revision 4 (April 2014)

Case ID No. 60157

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100616697

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)

Violation Description Failed to monitor the underground storage tank ("UST") for releases at a frequency of at least once every 30 days.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 89 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the September 10, 2020 investigation date to the December 8, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$71

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent The University of Texas at Arlington
Case ID No. 60157
Reg. Ent. Reference No. RN100616697
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	10-Sep-2020	22-Aug-2021	0.95	\$71	n/a	\$71

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the UST at the Station. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$71

Screening Date 8-Dec-2020

Docket No. 2021-0060-PST-E

PCW

Respondent The University of Texas at Arlington

Policy Revision 4 (April 2014)

Case ID No. 60157

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100616697

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 115.222(11) and 115.225, and Tex. Health & Safety Code § 382.085(b)

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 685 Number of violation days

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual (marked with x), single event.

Violation Base Penalty \$2,500

Two annual events are recommended, one for each annual period where testing was not conducted.

Good Faith Efforts to Comply

10.0%

Reduction \$250

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

Table with categories: Extraordinary, Ordinary (marked with x), N/A.

Notes The Respondent conducted the Stage I static pressure test for the vapor recovery system on November 13, 2020 with passing results, after the October 23, 2020 Notice of Enforcement date.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$554

Violation Final Penalty Total \$2,750

This violation Final Assessed Penalty (adjusted for limits) \$2,750

Economic Benefit Worksheet

Respondent The University of Texas at Arlington
Case ID No. 60157
Reg. Ent. Reference No. RN100616697
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)	\$500	10-Sep-2020	13-Nov-2020	0.18	\$4	n/a	\$4

Notes for DELAYED costs

Estimated delayed cost to conduct the annual static pressure testing of the Stage I equipment. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$500	29-Dec-2018	8-Dec-2020	1.95	\$50	\$500	\$550

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual static pressure testing of the Stage I equipment. The Date Required is 120 days after the Facility first dispensed more than 10,000 gallons in August 2018, and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$554

Screening Date 8-Dec-2020

Docket No. 2021-0060-PST-E

PCW

Respondent The University of Texas at Arlington

Policy Revision 4 (April 2014)

Case ID No. 60157

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100616697

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.222(5)

Violation Description

Failed to ensure the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum ("P/V") relief valve set to open at a pressure of no more than eight ounces per square inch in the Dallas-Fort Worth area. Specifically, a P/V valve was not installed on the gasoline vent line at a facility located in non-attainment Tarrant County.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 64 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the September 10, 2020 investigation date to the November 13, 2020 compliance date.

Good Faith Efforts to Comply

10.0%

Reduction \$125

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

Extraordinary	
Ordinary	x
N/A	

Notes

Installed and tested a P/V valve for the gasoline vent line on November 13, 2020, after the October 23, 2020 Notice of Enforcement date.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

Economic Benefit Worksheet

Respondent The University of Texas at Arlington
Case ID No. 60157
Reg. Ent. Reference No. RN100616697
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	\$500	10-Sep-2020	13-Nov-2020	0.18	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly install and test a P/V relief valve on the vent line. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$6

Screening Date 8-Dec-2020

Docket No. 2021-0060-PST-E

PCW

Respondent The University of Texas at Arlington

Policy Revision 4 (April 2014)

Case ID No. 60157

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100616697

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 334.10(b)(2) and 334.50(e)(2)(C)

Violation Description Failed to maintain release detection records for at least five years after the sampling, testing, or monitoring is conducted. Specifically, release detection records were only maintained for six months after the monitoring was conducted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR Release Major Moderate Minor Actual Potential Percent 0.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 5.0% Matrix Notes More than 70% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 89 Number of violation days

daily weekly monthly quarterly semiannual annual single event x

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent The University of Texas at Arlington
Case ID No. 60157
Reg. Ent. Reference No. RN100616697
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	10-Sep-2020	22-Aug-2021	0.95	\$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 develop and implement a procedure to ensure release detection records are maintained on-site for at least five years. 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

\$50

TOTAL

\$2



Compliance History Report

Compliance History Report for CN600322986, RN100616697, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600322986, The University of Texas at Arlington	Classification:	SATISFACTORY	Rating:	3.86
Regulated Entity:	RN100616697, University of Texas at Arlington	Classification:	SATISFACTORY	Rating:	9.64
Complexity Points:	6	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	1225 West Mitchell Street in Arlington, Tarrant County, Texas				
TCEQ Region:	REGION 04 - DFW METROPLEX				

ID Number(s):					
TIRES REGISTRATION	1902	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	3546	
POLLUTION PREVENTION PLANNING ID NUMBER	P01737	INDUSTRIAL AND HAZARDOUS WASTE EPA ID	TXD039032693		
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)	75947				

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

Date Compliance History Report Prepared: April 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 30, 2016 to April 30, 2021

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

Name: Tyler Richardson **Phone:** (512) 756-3994

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 04/24/2018 ADMINORDER 2017-1652-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
Description: Field Citation - Failure to make possess a valid TCEQ Delivery Certificate prior to receiving fuel.
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)
Description: Field Citation - Failure to submit initial/renewal UST Registration and Self-Certification form.

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 July 06, 2016 (1342712)

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
THE UNIVERSITY OF TEXAS
AT ARLINGTON
RN100616697**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0060-PST-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and an automotive maintenance facility located at 1225 West Mitchell Street in Arlington, Tarrant County, Texas (the "Station"). The UST system at the Station is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,100 of the penalty and \$2,025 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Station by November 13, 2020:
 - a. Installed and tested a pressure-vacuum ("P/V") valve for the gasoline vent line; and
 - b. Conducted the Stage I static pressure test for the vapor recovery system, with passing results.

II. ALLEGATIONS

During an investigation conducted on September 10, 2020, an investigator documented that the Respondent:

1. Failed to monitor the UST for releases at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
2. Failed to comply with annual Stage I vapor recovery testing requirements, in violation of 30 TEX. ADMIN. CODE §§ 115.222(11) and 115.225, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the annual static pressure testing of the Stage I equipment was not conducted.
3. Failed to ensure the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a P/V relief valve set to open at a pressure of no more than eight ounces per square inch in the Dallas-Fort Worth area, in violation of 30 TEX. ADMIN. CODE § 115.222(5). Specifically, a P/V valve

was not installed on the gasoline vent line at a facility located in non-attainment Tarrant County.

4. Failed to maintain release detection records for at least five years after the sampling, testing, or monitoring is conducted, in violation of 30 TEX. ADMIN. CODE §§ 334.10(b)(2) and 334.50(e)(2)(C). Specifically, release detection records were only maintained for six months after the monitoring was conducted.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The University of Texas at Arlington, Docket No. 2021-0060-PST-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement a procedure to ensure release detection records are maintained on-site for at least five years, in accordance with 30 TEX. ADMIN. CODE §§ 334.10 and 334.50; and
 - ii. Implement a release detection method for the USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached

documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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


8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/30/2021

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

7/19/21
Date

Shelby Roseman
Name (Printed or typed)
Authorized Representative of
The University of Texas at Arlington

Chief Legal Officer
Title

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