# Executive Summary – Enforcement Matter – Case No. 60448 FRONK OIL CO., INC. dba Imo's Country Store ("ICS") 1, ICS 3, ICS 4, and ICS 8

## RN102232543, RN102011178, RN102231602, and RN105814925 Docket No. 2021-0321-PST-E

### **Order Type:**

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

**PST** 

**Small Business:** 

No

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

Imo's Country Store 1, 506 East Industrial Road, Booker, Lipscomb County ("ICS 1") Imo's Country Store 3, 2202 South Main Street, Perryton, Ochiltree County ("ICS 3") Imo's Country Store 4, 11750 State Highway 15, Farnsworth, Ochiltree County ("ICS 4") Imo's Country Store 8, 104 South Main Street, Follett, Lipscomb County ("ICS 8")

# **Type of Operation:**

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

### **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

**Interested Third-Parties: None** 

**Texas Register Publication Date:** December 17, 2021

**Comments Received: No** 

### **Penalty Information**

**Total Penalty Assessed:** \$8,500

**Amount Deferred for Expedited Settlement: \$1,700** 

**Total Paid to General Revenue:** \$6,800 **Total Due to General Revenue:** \$0

Payment Plan: N/A

## **Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - High

### **Major Source:**

ICS 1 and ICS 4: No ICS 3 and ICS 8: Yes

**Statutory Limit Adjustment:** N/A **Applicable Penalty Policy:** April 2014

# Executive Summary – Enforcement Matter – Case No. 60448 FRONK OIL CO., INC. dba Imo's Country Store ("ICS") 1, ICS 3, ICS 4, and ICS 8

# RN102232543, RN102011178, RN102231602, and RN105814925 Docket No. 2021-0321-PST-E

# **Investigation Information**

**Complaint Date(s):** N/A **Complaint Information**: N/A

**Date(s) of Investigation:** January 6, 2021

Date(s) of NOE(s): February 1, 2021

#### **Violation Information**

- 1. At ICS 1, failed to assure that all UST recordkeeping requirements are met. Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review [30 Tex. Admin. Code § 334.10(b)(2)].
- 2. At ICS 3, failed to assure that all UST recordkeeping requirements are met. Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review [30 Tex. Admin. Code § 334.10(b)(2)].
- 3. At ICS 4, failed to assure that all UST recordkeeping requirements are met. Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review [30 Tex. Admin. Code § 334.10(b)(2)].
- 4. At ICS 8, failed to assure that all UST recordkeeping requirements are met. Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review [30 Tex. Admin. Code § 334.10(b)(2)].
- 5. At ICS 8, failed to monitor the USTs for releases using interstitial monitoring in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the USTs were installed on August 15, 2009, and the Facility had not yet implemented interstitial monitoring as the primary release detection method for the UST system, as is required for all USTs installed after January 1, 2009 [30 Tex. ADMIN. CODE § 334.50(b)(1)(B) and Tex. WATER CODE § 26.3475(c)(1)].

# Executive Summary – Enforcement Matter – Case No. 60448 FRONK OIL CO., INC. dba Imo's Country Store ("ICS") 1, ICS 3, ICS 4, and ICS 8

## RN102232543, RN102011178, RN102231602, and RN105814925 Docket No. 2021-0321-PST-E

# Corrective Actions/Technical Requirements

### **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require the Respondent to:

- a. At ICS 1, within 30 days, develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met.
- b. At ICS 3, within 30 days, develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met.
- c. At ICS 4, within 30 days, develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met.
- d. At ICS 8, within 30 days:
- i. Develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met; and
- ii. Implement interstitial monitoring as the primary release detection method for the UST system.
- e. Within 45 days, submit written certification to demonstrate compliance with a., b., c., and d.

### **Contact Information**

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ken Moller, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-6111; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Keith Fronk, President, FRONK OIL CO., INC., 14950 North State

Highway 23, P.O. Box F, Booker, Texas 79005-0806

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

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

DATES Assigned 1-Feb-2021 PCW 3-Mar-2021 Screening 26-Feb-2021 EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	FRONK OIL CO., INC. dba Imo's Country Sto	re 1			
Reg. Ent. Ref. No.	RN102232543				
Facility/Site Region	1-Amarillo	Major/Minor Source Minor			

CASE INFORMATION						
Enf./Case ID No.	60448			No. of Violations	1	l
	2021-0321-PST-			Order Type	1660	1
Media Program(s)	Petroleum Stora	ge Tank		<b>Government/Non-Profit</b>		I
Multi-Media				Enf. Coordinator	Ken Moller	I
	_		_	EC's Team	Enforcement Team 7	1
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000		

			Donalty (	^alcula	tion Section	<u> </u>		
TOTAL DAGE	DENA	TV (Sum o	of violation bas			711	Subtatal 1	\$250
IUIAL BASE	PENA	LIT (Suill C	or violation bas	e penan	ies)		Subtotal 1	\$250
<b>ADJUSTMEN</b>								
Subtotals 2  Complia			ng the Total Base Penalt	y (Subtotal 1) <b>0.0%</b>	) by the indicated pe Adjustment		otals 2, 3, & 7	\$0
Compila		tory		0.0 70	Aujustinent	Subti	Julia 2, 3, & 7	40
	Notes		No adjustment for	or compliar	nce history.			
Culpabil	lity	Vo		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The I	Respondent does no	t meet the	culpability crite	ria.		
	L							
Good Fa	aith Effo	rt to Comply	<b>Total Adjustment</b>	s			Subtotal 5	\$0
Econom	nic Bene	fit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amount Cost of Compliand	Ψ.0	*Capped	d at the Total EB \$ A	Amount		·
'	LStimateu	cost of compliant	e <u>\$100</u>					
SUM OF SUB	TOTAL	S 1-7					Final Subtotal	\$250
OTHER EACT	- ODC 4	C ILICTION	MAY DECUTE		0.00/			+0
Reduces or enhances			MAY REQUIRE dicated percentage.		0.0%		Adjustment	\$0
		· · · · · · · · · · · · · · · · · · ·						
Not	es							
	L					Final Pe	nalty Amount	\$250
STATUTORY	LIMIT	ADJUSTME	NT			Final Ass	essed Penalty	\$250
DEFERRAL					20.0%	Reduction	Adjustment	-\$50
Reduces the Final Ass	sessed Pe <u>n</u>	alty by the indica	ed percentage.		2010 70		- Aujustinent	755
<u>.</u>			D ( ) ( ) (					
Not	tes		Deferral offered fo	r expedited	d settlement.			
	L							
<b>PAYABLE PE</b>	NALTY							\$200

**Docket No.** 2021-0321-PST-E Respondent FRONK OIL CO., INC. dba Imo's Country Store 1

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

**PCW** 

**Case ID No.** 60448

Reg. Ent. Reference No. RN102232543

**Media** Petroleum Storage Tank

Enf. Coordinator Ken Moller

> Cor	npliance Histo	ry <i>Site</i> Enh	Compliance History Worksheet ancement (Subtotal 2)			
	Component	Number of		Number	Adjust.	
	NOVs		ices of violation ("NOVs") with same or similar violations as those in enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%	
		Other writte		0	0%	
			final enforcement orders containing a denial of liability ( <i>number of ting criteria</i> )	0	0%	
	Orders	a denial of	ated final enforcement orders, agreed final enforcement orders without liability, or default orders of this state or the federal government, or ohibitory emergency orders issued by the commission	0	0%	
	Judgments and Consent	of liability	judicated final court judgments or consent decrees containing a denial of this state or the federal government (number of judgments or crees meeting criteria)	0	0%	
	Decrees	final court j or the feder	rated final court judgments and default judgments, or non-adjudicated udgments or consent decrees without a denial of liability, of this state ral government	0	0%	
	Convictions	counts)	al convictions of this state or the federal government (number of	0	0%	
	Emissions	Chronic exc	essive emissions events ( <i>number of events</i> )	0	0%	
	Texas Envi		fying the executive director of an intended audit conducted under the ronmental, Health, and Safety Audit Privilege Act, 74th Legislature, ber of audits for which notices were submitted)	0	0%	
	Addits		of violations under the Texas Environmental, Health, and Safety Audit t, 74th Legislature, 1995 ( <i>number of audits for which violations were</i>	0	0%	
		Environmen	tal management systems in place for one year or more	No	0%	
	Other		on-site compliance assessments conducted by the executive director cial assistance program	No	0%	
	o circi	Participation	n in a voluntary pollution reduction program	No	0%	
			liance with, or offer of a product that meets future state or federal tenvironmental requirements	No	0%	
			Adjustment Perc	centage (Sut	ototal 2)	0%
Rep	eat Violator (	Subtotal 3)				
	No		Adjustment Perd	entage (Sub	ototal 3)	0%
Cor	npliance Histo	ry Person C	lassification (Subtotal 7)			
	Satisfactory	Performer	Adjustment Perd	centage (Sub	ototal 7)	0%
Cor	npliance Histo	ry Summary	<b>y</b>			
	Compliance History Notes		No adjustment for compliance history.			
			Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	0%
Ein-	l Compliance H	lictory Adi	ctmont			

		ening Date				<b>t No.</b> 2021-0321-PST-E		PCW
	R	Respondent	FRONK OIL CO	., INC. dba Imo	's Country Store	e 1	Policy	Revision 4 (April 2014)
	C	Case ID No.	60448				PCW Re	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102232543					
			Petroleum Stor	rage Tank				
		Coordinator		=				
	Viola	ation Number	1					
		Rule Cite(s)						
				30 Tex.	Admin. Code §	334.10(b)(2)		
			Failed to a	assure that all u	nderground sto	rage tank ("UST") recordke	eeping	
	Violatio	n Description	· ·	•	• •	mentation confirming the n		
	Violatio	ii bescription	construction	•		er further corrosion protect	tion was	
				necessar	ry was not avail	able for review.		
						Bas	se Penalty	\$25,000
>> Env	ıronme	ntal, Prope	rty and Hun	n <mark>an Health N</mark> Harm	<b>datrix</b>			
		Release	Major	<b>narm</b> Moderate	Minor			
OR		Actual		110001010	111101			
		Potential				Percent 0.0%	1	
							4	
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor		_	
					X	Percent 1.0%		
	Matrix							
	Notes		Less th	nan 30% of the i	ule requiremen	t was not met.		
	110103							
							104 750	
						Adjustment	\$24,750	
							Г	\$250
								Ψ230
Violatio	on Event	ts					L	Ψ230
Violatio	on Event							Ψ230
Violatio	on Event		/iolation Events	1		51 Number of violation	days	φ <b>230</b>
Violatio	on Event			1		51 Number of violation	days	φ230
Violatio	on Event		daily	1		51 Number of violation	days	φ230
Violatio	on Event		daily weekly	1		51 Number of violation	days	φ230
Violatio	on Event		daily weekly monthly				_	·
Violatio	on Event		daily weekly monthly quarterly			51 Number of violation  Violation Bas	_	\$250
Violatio	on Event		daily weekly monthly				_	·
Violatio	on Event		daily weekly monthly quarterly semiannual				_	·
Violatio	on Event		daily weekly monthly quarterly semiannual annual				_	·
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X		Violation Bas	_	·
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X	ent is recomme	Violation Bas	_	·
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X		Violation Bas	_	·
		Number of \	daily weekly monthly quarterly semiannual annual single event	x One single ev		Violation Bas	se Penalty	\$250
			daily weekly monthly quarterly semiannual annual single event	X	ent is recomme	Violation Bas	_	·
		Number of \	daily weekly monthly quarterly semiannual annual single event	x  One single ev  0.0%  Before NOE/NOV	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single ev  O.0%  Before NOE/NOV N	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  One single ev  One single ev	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  One single ev  A  Before NOE/NOV  X	ent is recomme	Violation Basended.	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria plation.	Reduction	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria plation.	se Penalty	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria plation.	Reduction	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria plation.  Violation  Statutory Limi	Reduction  Subtotal  t Test	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Basended.  /Settlement Offer eet the good faith criteria plation.  Violation	Reduction  Subtotal  t Test	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme  OE/NOV to EDPRP	Violation Basended.  /Settlement Offer eet the good faith criteria plation.  Violation  Statutory Limi	Reduction  Subtotal  t Test  halty Total	\$250 \$250 \$250

	E	conomic	Benefit	Wo	rksheet		
Respondent	FRONK OIL CO	)., INC. dba Imo's	Country Store	1			
Case ID No.	60448						
Reg. Ent. Reference No.	RN102232543						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					T Creent Interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>
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	1			0.00	\$0	n/a	\$0
Record Keeping System	\$100	6-Jan-2021	28-Mar-2022	1.22	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		ection recordkeep	ing requiremen	ts are r		stem designed to en uired is the investig Iliance.	
Avoided Costs	ANNUA	LIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$6



# Penalty Calculation Worksheet (PCW)

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

 DATES
 Assigned
 1-Feb-2021

 PCW
 3-Mar-2021
 Screening
 26-Feb-2021
 EPA Due

RESPONDENT/FACILITY INFORMATION		
Respondent FRONK OIL CO., INC. dba Imo's Countr	ry Store 3	
Reg. Ent. Ref. No. RN102011178		
Facility/Site Region 1-Amarillo	Major/Minor Source Major	

CASE INFORMATION					
Enf./Case ID No.	60448		No. of Violations	1	
	2021-0321-PST-E		Order Type	1660	
Media Program(s)	Petroleum Storage Tank		Government/Non-Profit	No	
Multi-Media			Enf. Coordinator	Ken Moller	
			EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum \$0 Ma	ximum	\$25,000		

	Penalty C	Calculation Section	 ɔn	
TOTAL BASE PENALTY	(Sum of violation base	e penalties)	Subtotal 1	\$250
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
Subtotals 2-7 are obtained	d by multiplying the Total Base Penalty			
Compliance Histor	У	<b>0.0%</b> Adjustment	Subtotals 2, 3, & 7	\$0
Notes	No adjustment fo	or compliance history.		
<b>Culpability</b> No		<b>0.0%</b> Enhancement	Subtotal 4	\$0
Notes	The Respondent does not	t meet the culpability crite	eria.	
Good Faith Effort t	o Comply Total Adjustments	S	Subtotal 5	\$0
<b>Economic Benefit</b>		<b>0.0%</b> Enhancement*	Subtotal 6	\$0
Tot Estimated Cost	tal EB Amounts \$6 of Compliance \$100	*Capped at the Total EB \$ /	4mount -	
SUM OF SUBTOTALS 1	L <b>-7</b>		Final Subtotal	\$250
	USTICE MAY REQUIRE	0.0%	Adjustment [	\$0
Reduces or enhances the Final Subt	otal by the indicated percentage.			
Notes				
			Final Penalty Amount	\$250
STATUTORY LIMIT AD	JUSTMENT		Final Assessed Penalty	\$250
DEFERRAL		20.0%	Reduction <b>Adjustment</b>	-\$50
Reduces the Final Assessed Penalty	by the indicated percentage.			
Notes	Deferral offered for	r expedited settlement.		
PAYABLE PENALTY				\$200

**PCW** 

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

**Respondent** FRONK OIL CO., INC. dba Imo's Country Store 3

**Case ID No.** 60448

Reg. Ent. Reference No. RN102011178

**Media** Petroleum Storage Tank

Enf. Coordinator Ken Moller

		Liiii Coo	Compliance History Worksheet		
>>	Con	npliance Histo Component	ry <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.
		Component	Written notices of violation ("NOVs") with same or similar violations as those in		
		NOVs	the current enforcement action (number of NOVs meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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%
		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%
		Other	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 I	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,	<b>3, &amp; 7)</b> 0%
>>	Final	Compliance H	listory Adjustment  Final Adjustment Percenta	ane *cannod	at <b>100%</b> 0%
			i mai Aujustment Percenti	uge capped	at 100 70 0 70

		ening Date				<b>No.</b> 2021-0321-PST-E		PCW
	R	espondent	FRONK OIL CO	., INC. dba Imo	's Country Store	e 3	Policy	Revision 4 (April 2014)
	C	Case ID No.	60448				PCW Re	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102011178					
		Media	Petroleum Stor	rage Tank				
		coordinator		=				
	Viola	ation Number	1					
		Rule Cite(s)						
				30 Tex	. Admin. Code §	334.10(b)(2)		
			Failed to a	assure that all u	nderground sto	rage tank ("UST") recordke	eeping	
	Violatio	n Description	· ·	•	• •	mentation confirming the m		
			construction	•		er further corrosion protect	tion was	
				necessa	ry was not avail	able for review.		
						Bas	e Penalty	\$25,000
>> Fnv	/ironma	ntal Prone	rty and Hun	nan Health I	Matriy			
// LIIV		iitai, Frope	ity and man	Harm	-idti ix			
		Release	Major	Moderate	Minor			
OR		Actual					_	
		Potential				Percent 0.0%		
_								
>>Prog	gramma	tic Matrix	Maiss	Moda::=t-	Minor			
		Falsification	Major	Moderate	Minor	Dorsont 1 00/	1	
					X	Percent 1.0%		
	Matrix		Loss th	nan 30% of the	rulo roquiromon	t was not mot		
	Notes		Less un	ian 30% of the	rule requiremen	t was not met.		
						Adjustment	\$24,750	
						•	, ,	
								\$250
							L	Ψ230
Violatio	on Event	te					_	Ψ230
Violatio	on Event	ts						\$230
Violatio	on Event		/iolation Events	1		51 Number of violation	days	\$230
Violatio	on Event			1		51 Number of violation	days	\$230
Violatio	on Event		daily	1		51 Number of violation	days	φ230
Violatio	on Event		daily weekly			51 Number of violation	days	φ230
Violatio	on Event		daily weekly monthly				_	
Violatio	on Event		daily weekly monthly quarterly			51 Number of violation  Violation Bas	_	\$250
Violatio	on Event		daily weekly monthly quarterly semiannual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X	ent is recomme	Violation Bas	_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X		Violation Bas	_	
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single ev		Violation Bas	se Penalty	\$250
			daily weekly monthly quarterly semiannual annual single event	X One single ev	ent is recomme	Violation Bas	_	
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single ev  0.0%  Before NOE/NOV	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single ev  O.0%  Before NOE/NOV	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  One single ev  A  Before NOE/NOV  X	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single ev  O.0%  Before NOE/NOV  X  The Responde	ent is recomme	violation Basender.  /Settlement Offer eet the good faith criteria lation.	se Penalty	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responder	ent is recomme	violation Basender  Model.  Settlement Offer  Settlement Offer  Settlement Offer  Settlement Offer  Violation  Violation	Reduction	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responder  On	ent is recomme	violation Base  nded.  /Settlement Offer  eet the good faith criteria lation.  Violation  Statutory Limit	Reduction  Subtotal  Test	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responder  On	ent is recomme	violation Basender  Model.  Settlement Offer  Settlement Offer  Settlement Offer  Settlement Offer  Violation  Violation	Reduction  Subtotal  Test	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single ev  O.0%  Before NOE/NOV  X  The Responder  On	ent is recomme  IOE/NOV to EDPRP, ent does not me for this vic	violation Base  nded.  /Settlement Offer  eet the good faith criteria lation.  Violation  Statutory Limit	Reduction  Subtotal  t Test  alty Total	\$250

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60448	D., INC. dba Imo's	S Country Store	3			
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	EB Amount
Item Description							
Delayed Costs	Г	1					
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 Record Keeping System	\$100	6-Jan-2021	28-Mar-2022	0.00 1.22	\$0 \$6	n/a	\$0
Training/Sampling	\$100	0-Jan-2021	20-Mai-2022	0.00	\$0	n/a n/a	\$6 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0 \$0
Permit Costs				0.00	\$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a	\$0 \$0
Notes for DELAYED costs	corrosion prot	ection recordkeep the	oing requiremen Final Date is th	ts are r e estim	met. The Date Requated date of comp		ation date, and
Avoided Costs	ANNU	ALIZE avoided c	osts before en			r one-time avoide	
Disposal				0.00	\$0 #0	\$0 #0	\$0 ¢0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Notes for AVOIDED costs				0.00	, <del> </del>	Ψ0	¥3
Approx. Cost of Compliance		\$100			TOTAL		\$6



# Penalty Calculation Worksheet (PCW)

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

DATES Assigned 1-Feb-2021 PCW 3-Mar-2021 Screening 26-Feb-2021 EPA Due

RESPONDENT/FACILITY INFORMATION						
Respondent FRONK OIL CO., INC. dba Imo's Country St	core 4					
Reg. Ent. Ref. No. RN102231602						
Facility/Site Region 1-Amarillo	Major/Minor Source Minor					

CASE INFORMATION

Enf./Case ID No. 60448

Docket No. 2021-0321-PST-E

Media Program(s) Petroleum Storage Tank

Multi-Media

Multi-Media

Solutions 1

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Ken Moller

EC's Team Enforcement Team 7

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

		Penalty Cal	culation Section	on		
TOTAL BASE PENA	LTY (Sum of	•			ıbtotal 1	\$250
ADJUSTMENTS (+	/-) TO SUBT	OTAL 1				
		the Total Base Penalty (Sul			2 2 9 7	#0
Compliance Hi	Story		<b>).0%</b> Adjustment	Subtotals .	2, 3, & /	\$0
Notes		No adjustment for co	mpliance history.			
Culpability	No		<b>0.0%</b> Enhancement	Su	ıbtotal 4	\$0
Notes	The Re	spondent does not me	et the culpability crite	eria.		
Good Faith Eff	ort to Comply T	otal Adjustments		Su	ıbtotal 5	\$0
Economic Ben			0.0% Enhancement*		ıbtotal 6	\$0
Estimated	Total EB Amounts d Cost of Compliance	\$6 \$100	*Capped at the Total EB \$ .	Amount		
<b>SUM OF SUBTOTA</b>	LS 1-7			Final	Subtotal	\$250
OTHER FACTORS A Reduces or enhances the Fina			0.0%	Adj	ustment	\$0
Notes	Subtotal by the man	ateu percentage.				
				Final Penalty	Amount	\$250
STATUTORY LIMIT	T ADJUSTMEI	IT		Final Assessed	Penalty	\$250
<b>DEFERRAL</b> Reduces the Final Assessed Pe	analty by the indicate	l norcontago	20.0%	Reduction <b>Adj</b>	ustment	-\$50
Reduces the Final Assessed Fe	maicy by the maicate	i percentage.				
Notes		Deferral offered for exp	pedited settlement.			
DAVARI F DENAIT	v					\$200

Screening Date 26-Feb-2021

Respondent FRONK OIL CO., INC. dba Imo's Country Store 4

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

**PCW** 

**Case ID No.** 60448

Reg. Ent. Reference No. RN102231602

**Media** Petroleum Storage Tank

Enf. Coordinator Ken Moller

> Cou	mpliance Histo	Compliance History Worksheet ry Site Enhancement (Subtotal 2)		
<i>-</i> Coi	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%
		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	Consent decrees intecting criteria i		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	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%
	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%
	5 6.7 6.	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%
Re	peat Violator (	Subtotal 3)		
	No	Adjustment Per	centage (Sub	ototal 3) 0%
Coi	mpliance Histo	ry Person Classification (Subtotal 7)		
	Satisfactory	Performer Adjustment Per	centage (Sub	ototal 7) 0%
Coi	mpliance Histo	ry Summary		
	Compliance History Notes	No adjustment for compliance history.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 0%
Fina	l Compliance H	listory Adjustment Final Adjustment Percenta	ane *cannod	at <b>100%</b> 0%
		i mai Aujustment Percenti	uge capped	at 100 70 0%

		ening Date				<b>cet No.</b> 2021-0321-PST-E	PCV	V
	R	espondent	FRONK OIL CO	., INC. dba Imo	's Country St	ore 4	Policy Revision 4 (April 20.	14)
	C	ase ID No.	60448				PCW Revision March 26, 20	)14
Reg.	Ent. Ref	erence No.	RN102231602					
		Media	Petroleum Sto	rage Tank				
		oordinator		=				
	Viola	ition Number	1					
		Rule Cite(s)		20.7		5 2 2 4 4 2 (1 ) (2)		
		( )		30 Tex	. Admin. Code	e § 334.10(b)(2)		
			Failed to a	assure that all u	inderground s	torage tank ("UST") recordke	<mark>eping                                    </mark>	
	Violatio	n Description	·	•	• •	cumentation confirming the m		
			construction	•		ther further corrosion protect	ion was	
				Hecessa	ry was not av	ailable for review.		
						Bas	e Penalty \$25,0	00
	-							
>> Env	/ironmei	ntal, Propei	rty and Hun	n <mark>an Health</mark> I Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual	J	rioderate	1 11101			
		Potential				Percent 0.0%		
				***************************************				
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
					Х	Percent 1.0%		
	Matrix							
	Notes		Less th	nan 30% of the	rule requirem	ent was not met.		
						Adjustment	\$24,750	
						Adjustillelit	\$24,730	
							\$2	250
Violatio	on Event	:S						
		Number of \	/iolation Events	1		51 Number of violation	dave	
		Number of V	noidtion Events	Ι		Number of violation	uays	
			daily					
			weekly					
			monthly					
			quarterly			Violation Bas	e Penalty \$2	250
			semiannual					
			annual					
			single event	X				
				One single ev	ent is recomm	mended		
				one single ev	che is reconn	nended.		
<b>Good F</b>	aith Effo	orts to Com		0.0%			Reduction	\$0
					NOE/NOV to EDP	RP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	X				
			_	The Respond	ent does not	meet the good faith criteria		
			Notes	5		violation.		
						Violation	Subtotal \$2	50
								250
Econon	nic Bene	efit (EB) for	this violati	on		Violation Statutory Limit		50
Econon	nic Bene				\$6	Statutory Limit	: Test	
Econon	nic Bene		this violati		\$6	Statutory Limit	t <b>Test</b>	!50
Econon	nic Bene					Statutory Limit	t <b>Test</b>	

	E	conomic	Benefit	Wo	rksheet		
Respondent	FRONK OIL CO	O., INC. dba Imo's	Country Store	4			
Case ID No.	60448						
Reg. Ent. Reference No.	RN102231602	<u>)</u>					
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description	20011 0050	Date Required	i iiidi Bate			Costs Sarca	25 / mount
Item Description							
Dolayed Costs							
Delayed Costs Equipment	ı <del></del>	7		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0	\$0 \$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	\$100	6-Jan-2021	28-Mar-2022	1.22	\$6	n/a	\$6
Training/Sampling	<u> </u>	0 3011 2021	20 Hai 2022	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		ection recordkeep	ing requiremen	ts are r		stem designed to e uired is the investigoliance.	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	r one-time avoide	ed 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							



# Penalty Calculation Worksheet (PCW)

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

DATES Assigned 1-Feb-2021 PCW 3-Mar-2021 Screening 26-Feb-2021 EPA Due

RESPONDENT/FACILITY INFORMATION						
Respondent FRONK OIL CO., INC. dba Imo's Country St	ore 8					
Reg. Ent. Ref. No. RN105814925						
Facility/Site Region 1-Amarillo	Major/Minor Source Major					

CASE INFORMATION

Enf./Case ID No. 60448

Docket No. 2021-0321-PST-E

Media Program(s) Petroleum Storage Tank

Multi-Media

Multi-Media

Admin. Penalty \$ Limit Minimum

\$0 Maximum

No. of Violations 2

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Ken Moller

EC's Team Enforcement Team 7

	Donali	ty Calculat	tion Costin	<u> </u>	
		•	tion Section		
TOTAL BASE PENA	LTY (Sum of violation	base penalt	ies)	Subtotal 1	\$7,750
ADJUSTMENTS (+	/-) TO SUBTOTAL 1 tained by multiplying the Total Base I	Penalty (Subtotal 1)	by the indicated ne	rcentage	
Compliance Hi		0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
Notes	No adjustmo	ent for compliar	nce history.		
Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent doe		culpability crite		
Good Faith Eff	ort to Comply Total Adjustn	nents		Subtotal 5	\$0
Economic Bene	fit	0.0%	Enhancement*	Subtotal 6	\$0
Estimated	Total EB Amounts \$98 Cost of Compliance \$1,600	*Саррес	d at the Total EB \$ A	mount	
SUM OF SUBTOTAL	.S 1-7			Final Subtotal	\$7,750
		_			
	S JUSTICE MAY REQUI		0.0%	Adjustment	\$0
Notes	Subtotal by the indicated percentage				
				Final Penalty Amount	\$7,750
STATUTORY LIMIT	ADJUSTMENT			Final Assessed Penalty	\$7,750
DEFERRAL			20.0%	Reduction <b>Adjustment</b>	-\$1,550
	nalty by the indicated percentage.		2010 70	Aujustment	<b>41/333</b>
Notes	Deferral offer	ed for expedited	i settlement.		
PAYABLE PENALT	•				\$6,200

**PCW** 

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

**Case ID No.** 60448

Reg. Ent. Reference No. RN105814925

**Media** Petroleum Storage Tank

Respondent FRONK OIL CO., INC. dba Imo's Country Store 8

Enf. Coordinator Ken Moller

		Ent. Coo	ordinator Ken Moller			
	Con	anlinnaa Uista	Compliance History Worksheet			
>>	Con	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 (number of NOVs meeting criteria)	0	0%	
			Other written NOVs	0	0%	
			Any agreed final enforcement orders containing a denial of liability (number of 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 (number of judgments or consent decrees meeting criteria)	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	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%	
		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%	
		0 0.1.0.	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	total 3)	0%
>>	Con	npliance Histo	ry Person Classification (Subtotal 7)			
	COIL	Satisfactory I		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 Percenta	age *canned	at 100%	0%
			i mai Aujustinent i ercente	-3- capped		U /U

		ening Date				<b>No.</b> 2021-0321-PST-E		PCW
	R	Respondent	FRONK OIL CO	., INC. dba Imo'	s Country Store	2 8	Policy	Revision 4 (April 2014)
	C	Case ID No.	60448				PCW Re	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN105814925					
		Media	Petroleum Stor	rage Tank				
	Enf. C	coordinator	Ken Moller	_				
	Viola	ation Number	1					
		Rule Cite(s)						
		ituic cite(5)		30 Tex.	Admin. Code §	334.10(b)(2)		
			Failed to a	assure that all ur	nderaround stor	rage tank ("UST") recordke	eepina	
	Violetie	n Docarintian	raquirama		_	nentation confirming the n		
	violatio	n Description	construction	n of the UST syst	em and whether	er further corrosion protec	tion was	
				necessar	y was not availa	able for review.		
						D	<b>.</b>	#2F 000
						Ваз	se Penalty	\$25,000
>> Env	/ironme	ntal. Prope	rty and Hun	nan Health M	latrix			
		, ope	. Jy wiid Hull	Harm				
		Release	Major	Moderate	Minor			
OR		Actual					_	
		Potential				Percent 0.0%		
>>Prog	gramma	tic Matrix			N.4.			
		Falsification	Major	Moderate	Minor	<b>D</b> = 1 = 2 = 4 = 00/	1	
					X	Percent 1.0%	J	
	Matrix		1 41-	200/ -£.H		L		
	Notes		Less th	an 30% of the r	ule requiremen	t was not met.		
						Adjustment	\$24,750	
						Aujustillelit	<b>\$24,730</b>	
								<b>#250</b>
								\$250
								\$250
Violatio	on Event	ts					L	\$250
Violatio	on Event		(islation Frants			No contract of six lastice		\$250
Violatio	on Event		/iolation Events	1		Number of violation	days	\$25U
Violatio	on Event			1		Number of violation	days	\$250
Violatio	on Event		daily	1		Number of violation	days	\$25U
Violatio	on Event		daily weekly			51 Number of violation	ı days	\$25U
Violatio	on Event		daily weekly monthly				_	
Violatio	on Event		daily weekly			Number of violation  Violation Bas	_	\$250
Violatio	on Event		daily weekly monthly quarterly				_	
Violatio	on Event		daily weekly monthly quarterly semiannual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual				_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X		Violation Bas	_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X	ent is recomme	Violation Bas	_	
Violatio	on Event		daily weekly monthly quarterly semiannual annual	X		Violation Bas	_	
		Number of \	daily weekly monthly quarterly semiannual annual single event	x One single even		Violation Bas	se Penalty	\$250
			daily weekly monthly quarterly semiannual annual single event	One single eve	ent is recomme	Violation Bas	_	
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single eve  0.0%  Before NOE/NOV N	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single eve  0.0%  Before NOE/NOV N	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single ever  O.0%  Before NOE/NOV N	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	X  One single ever  O.0%  Before NOE/NOV N	ent is recomme	Violation Bas	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single everage of the NoE/NOV No. The Responder	ent is recomme	Violation Basended.  Settlement Offer  Set the good faith criteria	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single everage of the NoE/NOV No. The Responder	ent is recomme	Violation Basended.  Settlement Offer  Set the good faith criteria	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single everage of the NoE/NOV No. The Responder	ent is recomme	Violation Basended.  Settlement Offer  Set the good faith criteria	se Penalty	\$250
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single everage of the NoE/NOV No. The Responder	ent is recomme	Violation Basended.  Settlement Offer Set the good faith criteria lation.	se Penalty	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single even	ent is recomme	violation Basended.  Settlement Offer  Sett the good faith criteria lation.  Violation	Reduction	\$250
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	One single even	ent is recomme	Violation Basended.  Settlement Offer Set the good faith criteria lation.	Reduction	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single even	oE/NOV to EDPRP/	Violation Basended.  Settlement Offer Set the good faith criteria lation.  Violation Statutory Limi	Reduction  Subtotal  t Test	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single even	ent is recomme	violation Basended.  Settlement Offer  Sett the good faith criteria lation.  Violation	Reduction  Subtotal  t Test	\$250
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single even  O.0%  Before NOE/NOV N  X  The Responde	oE/NOV to EDPRP/ nt does not me for this vio	Violation Basended.  Settlement Offer Set the good faith criteria lation.  Violation Statutory Limi	Reduction  Subtotal  t Test  halty Total	\$250 \$250 \$250

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60448	D., INC. dba Imo's	Country Store	8			
_	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	6-Jan-2021	28-Mar-2022	1.22	\$6	n/a	\$6
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
	corrosion prot	ection recordkeep the	ing requiremen Final Date is th	ts are r e estim	met. The Date Requated date of comp	stem designed to er uired is the investigoliance.	ation date, and
Avoided Costs	ANNUA	ALIZE avoided Co	osts before en	0.00	\$0		\$0
Disposal Personnel				0.00	\$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0	\$0 \$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$6

	Scre	ening Date	26-Feb-2021		Docket	<b>No.</b> 2021-0321-PST-E		PCW
	R	Respondent	FRONK OIL CO.	, INC. dba Im	o's Country Store 8	3	Policy	Revision 4 (April 2014)
	C	Case ID No.	60448				PCW R	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN105814925					
			Petroleum Stora	age Tank				
		Coordinator						
	Viola	ation Number						
		Rule Cite(s)	30 Tex. Adm	nin. Code § 334	4.50(b)(1)(B) and	Tex. Water Code § 26.3475	5(c)(1)	
			Failad ka was	ita a tha LICTA	f			
						interstitial monitoring in a of at least once every 30 d		
	Violatio	n Description			· · · · · · · · · · · · · · · · · · ·	t 15, 2009, and the Facility		
		•				rimary release detection m		
			the UST sy	stem, as is re	quired for all USTs	installed after January 1, 2	2009.	
		'				<b>.</b>	<b>.</b> [	+25.000
						Base	Penalty	\$25,000
>> Env	ironme	ntal, Propei	rty and Hum	an Health	Matrix			
			-	Harm				
OB		Release	Major	Moderate	Minor			
OR		Actual Potential				Percent 30.0%		
		Fotential	X			<b>Percent</b> 30.0%		
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix	Human healtl	n or the environ	ment will or co	ould be exposed to	pollutants that would exce	ed levels	
	Notes				•	ptors as a result of the viol		
						Adjustment	\$17,500	
						•		
								\$7,500
Violatio	on Event	te						
Violatio	JII LVCIII							
		Number of \	iolation Events/	1	5	1 Number of violation (	days	
			· [					
			daily					
			weekly monthly					
			quarterly	Х		Violation Base	Penalty	\$7,500
			semiannual	Α			, c, [	41/000
			annual					
			single event					
	1						1	
		One quarterly	event is recomm		• •	1 investigation date to the	February	
				26, 202	21 screening date.			
			-					
Good F	aith Effo	orts to Com		0.0%	NOT (NOV) + FDDDD (D		Reduction	\$0
			Extraordinary	efore NOE/NOV	NOE/NOV to EDPRP/Se	ettlement Offer		
			´					
			Ordinary	V				
			N/A	Х				
			Notes	The Responde		the good faith criteria for		
			1,0,00		this violati	on.		
			Ц				_	
						Violation	Subtotal	\$7,500
Econon	nic Bene	efit (EB) for	this violation	on		Statutory Limit	Test	
		Estimant	nd EP A		¢02	Violation Final Barra	Ity Tatal	47 F00
		Estimate	ed EB Amount		\$92	Violation Final Pena	iity rotai	\$7,500
				This viol	ation Final Asses	sed Penalty (adjusted fo	or limits)	\$7,500

	E	conomic	Benefit	Wo	rksheet		
Respondent	FRONK OIL CO	O., INC. dba Imo's	Country Store	8			
Case ID No.	60448						
Reg. Ent. Reference No.	RN105814925	_					
	Petroleum Sto						Years of
Violation No.		rage rank				<b>Percent Interest</b>	Depreciation
						5.0	15
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
200 Paion							
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	<b>\$0</b>	\$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System Training/Sampling	\$1,500	6-Jan-2021	28-Mar-2022	0.00 1.22	\$0 \$92	n/a n/a	\$0 \$92
Remediation/Disposal	\$1,500	0-Jan-2021	20-Mai-2022	0.00	\$92 \$0	n/a	\$92
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	the UST syst	em. The Date Rec	quired is the inv	estigati compli	on date, and the F ance.	nary release detection Final Date is the esti	mated date of
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoide	
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	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Notes for AVOIDED costs		<u> </u>		<u>   0.00</u>	<u>1</u>	<b>\$</b> 0	\$U
Approx. Cost of Compliance		\$1,500			TOTAL		\$92

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600333801, RN102232543, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600333801, FRONK OIL CO., INC. Classification: SATISFACTORY Rating: 1.50

or Owner/Operator:

**Regulated Entity:** RN102232543, Imo's Country Store 1 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 506 East Industrial Road, Booker, Lipscomb County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 25333** 

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

**Date Compliance History Report Prepared:** September 15, 2021 **Agency Decision Requiring Compliance History:** Enforcement

Component Period Selected: September 15, 2016 to September 15, 2021

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

**Name:** Ken Moller **Phone:** (512) 239-6111

### Site and Owner/Operator History:

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

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

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

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

N/A

**B.** Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 13, 2018 (1471209)

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:

I. Participation in a voluntary pollution reduction program:

J. Early compliance: N/A

**Sites Outside of Texas:** 

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



# Compliance History Report

Compliance History Report for CN600333801, RN102011178, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600333801, FRONK OIL CO., INC. Classification: SATISFACTORY Rating: 1.50

or Owner/Operator:

Regulated Entity: RN102011178, Imo's Country Store 3 Classification: HIGH Rating: 0.00

Complexity Points: 2 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 2202 South Main Street, Perryton, Ochiltree County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 71313** 

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

**Date Compliance History Report Prepared:** September 15, 2021 **Agency Decision Requiring Compliance History:** Enforcement

Component Period Selected: September 15, 2016 to September 15, 2021

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

**Name:** Ken Moller **Phone:** (512) 239-6111

### Site and Owner/Operator History:

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

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 13, 2018 (1471212)

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:

I. Participation in a voluntary pollution reduction program:

J. Early compliance: N/A

**Sites Outside of Texas:** 

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 CN600333801, RN102231602, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600333801, FRONK OIL CO., INC. Classification: SATISFACTORY Rating: 1.50

or Owner/Operator:

Regulated Entity: RN102231602, Imo's Country Store 4 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 11750 State Highway 15, Farnsworth, Ochiltree County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 14374** 

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

**Date Compliance History Report Prepared:** September 15, 2021 **Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 15, 2016 to September 15, 2021

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

Name: Ken Moller Phone: (512) 239-6111

#### Site and Owner/Operator History:

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

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 February 13, 2018 (1471213)

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:  $\ensuremath{\mathsf{N}/\mathsf{A}}$ 

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

**Sites Outside of Texas:** 

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600333801, RN105814925, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600333801, FRONK OIL CO., INC. Classification: SATISFACTORY Rating: 1.50

or Owner/Operator:

Regulated Entity: RN105814925, Imo's Country Store 8 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 104 South Main Street, Follett, Lipscomb County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 80060** 

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

**Date Compliance History Report Prepared:** September 15, 2021 **Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 15, 2016 to September 15, 2021

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

**Name:** Ken Moller **Phone:** (512) 239-6111

#### Site and Owner/Operator History:

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

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

rias there been a (known) thange in ownership/operator of the site during the compliance period?

#### 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 February 13, 2018 (1471211)

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:

I. Participation in a voluntary pollution reduction program:

J. Early compliance: N/A

**Sites Outside of Texas:** 

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	<b>BEFORE THE</b>
ENFORCEMENT ACTION	§	
CONCERNING	§	
FRONK OIL CO., INC. DBA IMO'S	§	
COUNTRY STORE 1, IMO'S	§	TEXAS COMMISSION ON
COUNTRY STORE 3, IMO'S	§	
COUNTRY STORE 4, AND IMO'S	§	
COUNTRY STORE 8	§	
RN102232543, RN102011178,	§	
RN102231602, AND RN105814925	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2021-0321-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 FRONK OIL CO., INC. dba Imo's Country Store ("ICS") 1, ICS 3, ICS 4, and ICS 8 (the "Respondent") under the authority of 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. Addin. Code § 334.2(78) and (75), four underground storage tank ("UST") systems and convenience stores with retail sales of gasoline located at 506 East Industrial Road in Booker, Lipscomb County, Texas (ICS 1), 2202 South Main Street, Perryton, Ochiltree County, Texas (ICS 3), 11750 State Highway 15, Farnsworth, Ochiltree County, Texas (ICS 4), and 104 South Main Street, Follett, Lipscomb County, Texas (ICS 8), respectively (collectively as the "Facilities"). 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 contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
- 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. 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 \$8,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,800 of the penalty and \$1,700 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.

### II. ALLEGATIONS

- 1. During an investigation conducted at ICS 1 on January 6, 2021, an investigator documented that the Respondent failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. ADMIN. CODE § 334.10(b)(2). Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review.
- 2. During an investigation conducted at ICS 3 on January 6, 2021, an investigator documented that the Respondent failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. ADMIN. CODE § 334.10(b)(2). Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review.
- 3. During an investigation conducted at ICS 4 on January 6, 2021, an investigator documented that the Respondent failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. ADMIN. CODE § 334.10(b)(2). Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review.

- 4. During an investigation conducted at ICS 8 on January 6, 2021, an investigator documented that the Respondent:
  - a. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. ADMIN. CODE § 334.10(b)(2). Specifically, documentation confirming the material construction of the UST system and whether further corrosion protection was necessary was not available for review; and
  - b. Failed to monitor the USTs for releases using interstitial monitoring in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 Tex. Admin. Code § 334.50(b)(1)(B) and Tex. Water Code § 26.3475(c)(1). Specifically, the USTs were installed on August 15, 2009, and the Facility had not yet implemented interstitial monitoring as the primary release detection method for the UST system, as is required for all USTs installed after January 1, 2009.

### 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: FRONK OIL CO., INC. dba ICS 1, ICS 3, ICS 4, and ICS 8, Docket No. 2021-0321-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 requirement:
  - a. At ICS 1, within 30 days after the effective date of this Order, develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met, in accordance with 30 TEX. ADMIN. CODE § 334.49.
  - b. At ICS 3, within 30 days after the effective date of this Order, develop and implement a recordkeeping system designed to ensure that all corrosion

protection recordkeeping requirements are met, in accordance with 30 TEX. ADMIN. CODE § 334.49.

- c. At ICS 4, within 30 days after the effective date of this Order, develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met, in accordance with 30 TEX. ADMIN. CODE § 334.49.
- d. At ICS 8, within 30 days after the effective date of this Order:
  - i. Develop and implement a recordkeeping system designed to ensure that all corrosion protection recordkeeping requirements are met, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
  - ii. Implement interstitial monitoring as the primary release detection method for the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- e. 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 Nos. 2.a, 2.b, 2.c, and 2.d. 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 Amarillo Regional Office Texas Commission on Environmental Quality 3918 Canyon Drive Amarillo, Texas 79109-4933

- 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 Facilities 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
Un	6/8/2022
For the Executive Director	Date
I, the undersigned, have read and understand the attached Order, and I do agree to the terms a acknowledge that the TCEQ, in accepting payme on such representation.	and conditions specified therein. I further
I also understand that failure to comply with the and/or failure to timely pay the penalty amount,	
<ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications</li> <li>Referral of this case to the Attorney General additional penalties, and/or attorney fees,</li> <li>Increased penalties in any future enforcem</li> <li>Automatic referral to the Attorney General</li> <li>TCEQ seeking other relief as authorized by</li> </ul>	al's Office for contempt, injunctive relief, or to a collection agency; tent actions; 's Office of any future enforcement actions; and
In addition, any falsification of any compliance of	locuments may result in criminal prosecution.
Next Heart	Date  PResident
Signature	Date
Keith Fronk	PRESIDENT
Name (Printed or typed)	Title
Authorized Representative of	
FRONK OIL CO., INC. dba Imo's Country Store and Imo's Country Store 8	1, Imo's Country Store 3, Imo's Country Store 4
$\square$ If mailing address has changed, please check	k this box and provide the new address below:
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