

Executive Summary – Enforcement Matter – Case No. 60522
West Texas Commercial Properties LLC dba Hop In Nos. 430453, 430454,
430455, 430456, 430458, 430459, and 430460
RN101822187, RN101769305, RN104586854, RN102033727, RN102261955,
RN102431764, and RN101841419
Docket No. 2021-0454-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Hop In 430453, 3901 South 1st Street, Abilene, Taylor County ("Facility No. 1");
Hop In 430454, 501 East South 11th Street, Abilene, Taylor County ("Facility No. 2");
Hop In 430455, 5002 South 14th Street, Abilene, Taylor County ("Facility No. 3");
Hop In 430456, 1109 South Treadaway Boulevard, Abilene, Taylor County ("Facility No. 4");
Hop In 430458, 1433 South Willis Street, Abilene, Taylor County, ("Facility No. 5");
Hop In 430459, 1033 Cherry Street, Baird, Callahan County ("Facility No. 6"); and
Hop In 430460, 1400 Coggin Avenue, Brownwood, Brown County ("Facility No. 7").

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: October 22, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$164,687

Amount Deferred for Expedited Settlement: \$32,935

Total Paid to General Revenue: \$131,752

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High for Facility Nos. 1-6, Satisfactory for Facility No. 7

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2021-0454-PST-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 21, 2020 and February 3, 2021

Date(s) of NOE(s): February 26, 2021 and January 14, 2021

Violation Information

Facility No. 1:

1. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control (“IC”) records for UST No. 1 for March 2020 through June 2020 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72].

2. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST No. 1 for March 2020 through June 2020 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74].

3. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer’s and/or methodology provider’s specifications and instructions [30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

4. Failed to monitor the USTs in a manner which will detect a release 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)].

Facility No. 2:

5. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August 2020 and September 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

6. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August

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2020 and September 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

7. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions [30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

8. Failed to monitor the USTs in a manner which will detect a release 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)].

9. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration indicates that UST No. 2 stores gasoline, but it actually stores diesel [30 TEX. ADMIN. CODE § 334.7(d)(1)(C) and (d)(3)].

Facility No. 3:

10. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST Nos. 2 and 4 for July 2020 and August 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

11. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST Nos. 2 and 4 for July 2020 and August 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

Facility No. 4:

12. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

13. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

Facility No. 5:

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14. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

15. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

16. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions [30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

17. Failed to monitor the USTs in a manner which will detect a release 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)].

18. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests for all USTs at Facility No. 5 [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

Facility No. 6:

19. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and September 2020 through December 2020 and for UST Nos. 3 and 4 for October 2020 through December 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

20. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and September 2020 through December 2020 and for UST Nos. 3 and 4 for October 2020 through December 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

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21. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions [30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

22. Failed to monitor the USTs in a manner which will detect a release 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)].

Facility No. 7:

23. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, IC records for UST Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].

24. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC records for UST Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

25. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions [30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

26. Failed to monitor the USTs in a manner which will detect a release 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)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

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- a. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for UST No. 1 at Facility No. 1 on November 5, 2020;
- b. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for the USTs at Facility No. 6 on December 17, 2020; and
- c. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for UST Nos. 1 and 2 at Facility No. 7 on November 23, 2020.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days for Facility No. 1:
 - i. Develop and implement a process for reporting suspected releases timely;
 - ii. Submit a Release Determination Report (“RDR”) for the suspected release as part of the suspected release investigation and implement appropriate corrective measures; and
 - iii. Implement a release detection method for the USTs at Facility No. 1 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions.
- b. Within 30 days for Facility No. 2:
 - i. Develop and implement a process for reporting suspected releases timely;
 - ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures;
 - iii. Implement a release detection method for the USTs at Facility No. 2 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions; and
 - iv. Submit an amended UST registration to indicate the current regulated substance stored for UST No. 2 at Facility No. 2.

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c. Within 30 days for Facility No. 3:

- i. Develop and implement a process for reporting suspected releases timely; and
- ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures.

d. Within 30 days for Facility No. 4:

- i. Develop and implement a process for reporting suspected releases timely; and
- ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures.

e. Within 30 days for Facility No. 5:

- i. Develop and implement a process for reporting suspected releases timely;
- ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures;
- iii. Implement a release detection method for the USTs at Facility No. 5 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions; and
- iv. Conduct the annual line leak detector and piping tightness tests for all USTs at Facility No. 5.

f. Within 30 days for Facility No. 6:

- i. Develop and implement a process for reporting suspected releases timely;
- ii. Submit an RDR for the suspected releases as part of the suspected release investigation and implement appropriate corrective measures; and
- iii. Implement a release detection method for the USTs at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions.

g. Within 30 days for Facility No. 7:

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- i. Develop and implement a process for reporting suspected releases timely;
- ii. Complete the investigation of the suspected releases and implement appropriate corrective measures; and
- iii. Implement a release detection method for the USTs at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions.
- h. Within 45 days, submit written certification, and include detailed supporting documentation to demonstrate compliance with a. through g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Hailey Johnson, Enforcement Division, Enforcement Team 6, MC 219, (512) 239-1756; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Marvin K. Hewatt, Manager, West Texas Commercial Properties LLC dba Hop In 430456, 305-A Equipment Court, Lawrenceville, Georgia 30046

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 7-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1") |
| Reg. Ent. Ref. No. | RN101822187 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | |
|--|------------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 3 |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Hailey Johnson |
| | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$21,250 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|------------|--------------------------------|-----|

| | |
|--------------|---------------------------------------|
| Notes | No adjustment for Compliance History. |
|--------------|---------------------------------------|

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$156 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$2,625 | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$21,250 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|------------|------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.1% | Adjustment | \$26 |
|---|------|------------|------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | Enhancement to capture the avoided cost of compliance associated with Violation No. 1. |
|--------------|--|

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$21,276 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$21,276 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$4,255 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

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

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$17,021 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101822187

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60522 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101822187
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|----------------------|---|----------------------|----------------------|------------------------------------|
| <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="10.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1")
Case ID No. 60522
Reg. Ent. Reference No. RN101822187
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-May-2020 | 17-Mar-2021 | 0.88 | \$1 | \$25 | \$26 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected release for UST No. 1 at Facility No. 1. The Date Required is the date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$125

TOTAL \$31

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60522 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101822187
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number

Rule Cite(s)

Violation Description Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST No. 1 for March 2020 through June 2020 indicated a suspected release that was not investigated.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|--------------------------------|----------------------|----------------------|------------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="15.0%"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text" value="x"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Four quarterly events are recommended from the earliest suspected release investigation due date of May 30, 2020 to the March 17, 2021 screening date.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1")
Case ID No. 60522
Reg. Ent. Reference No. RN101822187
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 |
| Other (as needed) | \$400 | 30-May-2020 | 5-Nov-2020 | 0.44 | \$9 | n/a | \$9 |
| Other (as needed) | \$600 | 30-May-2020 | 2-Jan-2022 | 1.59 | \$48 | n/a | \$48 |

Notes for DELAYED costs
 Estimated delayed cost to conduct tank and line tightness testing for UST No. 1 at Facility No. 1 as part of the suspected release investigation (\$400). The Date Required is the earliest testing due date and the Final Date is the date of compliance. Estimated delayed cost to submit a Release Determination Report for the suspected release as part of the suspected release investigation (\$600) and implement appropriate corrective measures. The Date Required is the earliest RDR due 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 \$1,000

TOTAL \$57

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101822187

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 3

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

Violation Description Failed to provide a method of release detection that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. Also, failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> 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 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 Number of violation days 42

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

Violation Base Penalty \$3,750

One quarterly event is recommended from the February 3, 2021 investigation date to the March 17, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. Rows: Extraordinary, Ordinary, N/A (marked with 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 \$68

Violation Final Penalty Total \$3,755

This violation Final Assessed Penalty (adjusted for limits) \$3,755

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430453 ("Facility No. 1")
Case ID No. 60522
Reg. Ent. Reference No. RN101822187
Media Petroleum Storage Tank
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$68 | n/a | \$68 |

Notes for DELAYED costs
 Estimated delayed cost to implement a release detection method for the USTs at Facility No. 1 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. 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 \$68



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 8-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2") |
| Reg. Ent. Ref. No. | RN101769305 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | |
|--|------------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60552 | No. of Violations | 4 |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Hailey Johnson |
| | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$25,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|------------------------|--------------------------------|-----|
| Compliance History | 0.0% Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------------------------|--------------------------------|-----|

Notes: No adjustment for Compliance History.

| | | | | |
|--------------------|----|-------------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

| | |
|------------------------------|---------|
| Total EB Amounts | \$191 |
| Estimated Cost of Compliance | \$3,515 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$25,000 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------------------------|-----------------------------|----------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.3% Adjustment | Final Penalty Amount | \$25,078 |
|---|------------------------|-----------------------------|----------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

Final Penalty Amount: \$25,078

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$25,078 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|-----------------------------------|-------------------------------|----------|
| DEFERRAL | 20.0% Reduction Adjustment | Final Assessed Penalty | -\$5,015 |
|-----------------|-----------------------------------|-------------------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$20,063 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")

Policy Revision 5 (January 28, 2021)

Case ID No. 60552

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101769305

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")

Policy Revision 5 (January 28, 2021)

Case ID No. 60552

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101769305

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.72

Violation Description

Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control ("IC") records for underground storage tank ("UST") No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August 2020 and September 2020 indicated suspected releases that were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 3

259 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$7,500

Three single events are recommended (one for each UST in which a suspected release occurred).

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$7,523

This violation Final Assessed Penalty (adjusted for limits) \$7,523

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")
Case ID No. 60552
Reg. Ent. Reference No. RN101769305
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$75 | 1-Jul-2020 | 17-Mar-2021 | 0.71 | \$3 | \$75 | \$78 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases for three USTs (\$25 per report). The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$175

TOTAL \$83

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")

Policy Revision 5 (January 28, 2021)

Case ID No. 60552

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101769305

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description

Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August 2020 and September 2020 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> 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 3

230 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$11,250

Three quarterly events are recommended from the earliest suspected release investigation due date of July 30, 2020 to the March 17, 2021 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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$11,285

This violation Final Assessed Penalty (adjusted for limits) \$11,285

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")
Case ID No. 60552
Reg. Ent. Reference No. RN101769305
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) | \$1,800 | 30-Jul-2021 | 2-Jan-2022 | 0.43 | \$38 | n/a | \$38 |

Notes for DELAYED costs
 Estimated delayed cost (\$1,200 for testing (\$400 per tank plus line x 3 = \$1,200) and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and take appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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 \$1,800

TOTAL \$38

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60552 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101769305
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 3

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

Violation Description Failed to provide a method of release detection that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. Also, failed to monitor the USTs in a manner which will detect a release 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 42 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 February 3, 2021 investigation date to the March 17, 2021 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 \$68 **Violation Final Penalty Total** \$3,762

This violation Final Assessed Penalty (adjusted for limits) \$3,762

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")
Case ID No. 60552
Reg. Ent. Reference No. RN101769305
Media Petroleum Storage Tank
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$68 | n/a | \$68 |

Notes for DELAYED costs Estimated delayed cost to implement a release detection method for the USTs at Facility No. 2 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. 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 \$68

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60552 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101769305
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.7(d)(1)(C) and (d)(3)

Violation Description
 Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration indicates that UST No. 2 stores gasoline, but it actually stores diesel.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | x | | | 10.0% |

Matrix Notes
 Greater than 70% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 42 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,500

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 \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$2 **Violation Final Penalty Total** \$2,508

This violation Final Assessed Penalty (adjusted for limits) \$2,508

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430454 ("Facility No. 2")
Case ID No. 60552
Reg. Ent. Reference No. RN101769305
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 | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$40 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$2 | n/a | \$2 |

Notes for DELAYED costs
 Estimated delayed cost to submit an amended UST registration to the TCEQ to indicate the current regulated substance stored for UST No. 2 at Facility No. 2. 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
 (This area is currently blank for input.)

| | | | |
|-----------------------------------|------|--------------|-----|
| Approx. Cost of Compliance | \$40 | TOTAL | \$2 |
|-----------------------------------|------|--------------|-----|



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 7-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3") |
| Reg. Ent. Ref. No. | RN104586854 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | | |
|--------------------------|------------------------|------------------------------|--------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 2 | |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 | |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No | |
| Multi-Media | | Enf. Coordinator | Hailey Johnson | |
| | | EC's Team | Enforcement Team 6 | |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$12,500 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|------------|--------------------------------|-----|

| | |
|--------------|---------------------------------------|
| Notes | No adjustment for Compliance History. |
|--------------|---------------------------------------|

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$119 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$1,525 | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$12,500 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|------------|------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.2% | Adjustment | \$26 |
|---|------|------------|------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | Enhancement to capture the avoided cost of compliance associated with Violation No. 1. |
|--------------|--|

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$12,526 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$12,526 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$2,505 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

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

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$10,021 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104586854

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

| | | | | |
|--------------------------------|---|-------------------|-----------------|---|
| Screening Date | 17-Mar-2021 | Docket No. | 2021-0454-PST-E | PCW |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3") | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 60522 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN104586854 | | | |
| Media | Petroleum Storage Tank | | | |
| Enf. Coordinator | Hailey Johnson | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|----------------------|---|----------------------|----------------------|---|
| | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="10.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3")
Case ID No. 60522
Reg. Ent. Reference No. RN104586854
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-Sep-2020 | 17-Mar-2021 | 0.54 | \$1 | \$25 | \$26 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases. The Date Required is the date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$125

TOTAL \$31

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104586854

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description

Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST Nos. 2 and 4 for July 2020 and August 2020 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> 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 2

168 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$7,500

Two quarterly events are recommended from the suspected release investigation due date of September 30, 2020 to the March 17, 2021 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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$7,516

This violation Final Assessed Penalty (adjusted for limits) \$7,516

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430455 ("Facility No. 3")
Case ID No. 60522
Reg. Ent. Reference No. RN104586854
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) | \$1,400 | 30-Sep-2020 | 2-Jan-2022 | 1.26 | \$88 | n/a | \$88 |

Notes for DELAYED costs

Estimated delayed cost (\$800 for testing (\$400 per tank plus line x 2 = \$800) and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and take appropriate corrective measures. The Date Required is the suspected release investigation due 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

\$1,400

TOTAL

\$88



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 8-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4") |
| Reg. Ent. Ref. No. | RN102033727 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | | |
|--------------------------|------------------------|------------------------------|--------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 2 | |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 | |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No | |
| Multi-Media | | Enf. Coordinator | Hailey Johnson | |
| | | EC's Team | Enforcement Team 6 | |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$18,750 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|------------|--------------------------------|-----|

Notes: No adjustment for Compliance History.

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

Total EB Amounts: \$178
 Estimated Cost of Compliance: \$1,950
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$18,750 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|------------|------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.3% | Adjustment | \$52 |
|---|------|------------|------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$18,802 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$18,802 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$3,760 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$15,042 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102033727

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 17-Mar-2021
Respondent West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4")
Case ID No. 60522
Reg. Ent. Reference No. RN102033727
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Docket No. 2021-0454-PST-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control ("IC") records for underground storage tank ("UST") Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | | x | | |

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 3 228 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$7,500

Three single events are recommended (one for each UST in which a suspected release occurred).

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$7,521

This violation Final Assessed Penalty (adjusted for limits) \$7,521

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4")
Case ID No. 60522
Reg. Ent. Reference No. RN102033727
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-Aug-2020 | 17-Mar-2021 | 0.62 | \$1 | \$25 | \$26 |
| Other (as needed) | \$25 | 1-Oct-2020 | 17-Mar-2021 | 0.46 | \$1 | \$25 | \$26 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases for three USTs. The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$150

TOTAL \$57

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60522 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102033727
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number

Rule Cite(s)

Violation Description Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not investigated.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|--------------------------------|----------------------|----------------------|------------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="15.0%"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text" value="x"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Three quarterly events are recommended from the earliest suspected release investigation due date of August 30, 2020 to the March 17, 2021 screening date.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430456 ("Facility No. 4")
Case ID No. 60522
Reg. Ent. Reference No. RN102033727
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) | \$1,800 | 30-Aug-2020 | 2-Jan-2022 | 1.34 | \$121 | n/a | \$121 |

Notes for DELAYED costs
 Estimated delayed cost (\$1,200 for testing (\$400 per tank plus line x 3 = \$1,200) and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and take appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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 \$1,800

TOTAL \$121



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 7-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5") |
| Reg. Ent. Ref. No. | RN102261955 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | |
|--|------------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 3 |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Hailey Johnson |
| | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$28,750 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-----------------|--------------------------------|-----|
| Compliance History | 0.0% Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|-----------------|--------------------------------|-----|

| | |
|--------------|---------------------------------------|
| Notes | No adjustment for Compliance History. |
|--------------|---------------------------------------|

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$339 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$4,086 | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$28,750 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.6% | Adjustment | \$177 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|---|
| Notes | Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 3. |
|--------------|---|

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$28,927 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$28,927 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$5,785 |
|-----------------|-------|-----------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

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

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$23,142 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102261955

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102261955

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control ("IC") records for underground storage tank ("UST") Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (10.0%).

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 4 381 Number of violation days

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

Violation Base Penalty \$10,000

Four single events are recommended (one for each UST in which a suspected release occurred).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$10,062

This violation Final Assessed Penalty (adjusted for limits) \$10,062

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")
Case ID No. 60522
Reg. Ent. Reference No. RN102261955
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-Mar-2020 | 17-Mar-2021 | 1.04 | \$1 | \$25 | \$26 |
| Other (as needed) | \$25 | 1-Jul-2020 | 17-Mar-2021 | 0.71 | \$1 | \$25 | \$26 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases. The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$150

TOTAL \$57

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102261955

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description

Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> 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 4

352 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$15,000

Four quarterly events are recommended from the earliest suspected release investigation due date of March 30, 2020 to the March 17, 2021 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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$15,092

This violation Final Assessed Penalty (adjusted for limits) \$15,092

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")
Case ID No. 60522
Reg. Ent. Reference No. RN102261955
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) | \$2,200 | 30-Mar-2021 | 2-Jan-2022 | 0.76 | \$84 | n/a | \$84 |

Notes for DELAYED costs Estimated delayed cost (\$1,600 for testing (\$400 per tank plus line x 4 = \$1,600) and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and take appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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 \$2,200

TOTAL \$84

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102261955

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(B), (b)(1)(A), and (b)(2) and Tex. Water Code § 26.3475(c)(1) and (a)

Violation Description

Failed to provide a method of release detection that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. Also, failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days. Additionally, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests for all USTs at Facility No. 5.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> 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

42 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 February 3, 2021 investigation date to the March 17, 2021 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 \$198

Violation Final Penalty Total \$3,773

This violation Final Assessed Penalty (adjusted for limits) \$3,773

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430458 ("Facility No. 5")
Case ID No. 60522
Reg. Ent. Reference No. RN102261955
Media Petroleum Storage Tank
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$118 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$68 | n/a | \$68 |

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at Facility No. 5 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions (\$1,500) and estimated delayed cost to conduct the annual line leak detector and piping tightness tests (\$118). 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 | \$118 | 3-Feb-2020 | 17-Mar-2021 | 1.12 | \$7 | \$118 | \$125 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness tests. The Date Required is one year prior to the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance \$1,736

TOTAL \$198



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 6-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6") |
| Reg. Ent. Ref. No. | RN102431764 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | | |
|--------------------------|------------------------|------------------------------|--------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 3 | |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 | |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No | |
| Multi-Media | | Enf. Coordinator | Hailey Johnson | |
| | | EC's Team | Enforcement Team 6 | |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$25,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|------------|--------------------------------|-----|

Notes: No adjustment for Compliance History.

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

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

Total EB Amounts: \$188
 Estimated Cost of Compliance: \$3,850
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$25,000 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|------------|------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.2% | Adjustment | \$51 |
|---|------|------------|------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$25,051 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$25,051 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$5,010 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$20,041 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102431764

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6")

Policy Revision 5 (January 28, 2021)

Case ID No. 60522

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102431764

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control ("IC") records for underground storage tank ("UST") Nos. 1 and 2 for June 2020 and July 2020 and September 2020 through December 2020 and for UST Nos. 3 and 4 for October 2020 through December 2020 indicated suspected releases that were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0.0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | x | | | 10.0% |

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 228

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$10,000

Four single events are recommended (one for each UST in which a suspected release occurred).

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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$10,020

This violation Final Assessed Penalty (adjusted for limits) \$10,020

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6")
Case ID No. 60522
Reg. Ent. Reference No. RN102431764
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) | \$100 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-Aug-2020 | 17-Mar-2021 | 0.62 | \$1 | \$25 | \$26 |
| Other (as needed) | \$25 | 1-Dec-2020 | 17-Mar-2021 | 0.29 | \$0 | \$25 | \$25 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases. The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$150

TOTAL \$56

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60522 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102431764
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|--------------------------------|----------------------|----------------------|----------------------|---|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="15.0%"/> |
| Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | | |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text" value="x"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6")
Case ID No. 60522
Reg. Ent. Reference No. RN102431764
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 |
| Other (as needed) | \$1,600 | 30-Aug-2020 | 17-Dec-2020 | 0.30 | \$24 | n/a | \$24 |
| Other (as needed) | \$600 | 30-Aug-2020 | 2-Jan-2022 | 1.34 | \$40 | n/a | \$40 |

Notes for DELAYED costs
 Estimated delayed cost to conduct tank and line tightness testing for the USTs at Facility No. 6 as part of the suspected release investigation (\$400 per tank plus line x 4 = \$1,600). The Date Required is the earliest testing due date and the Final Date is the date of compliance. Estimated delayed cost to submit a Release Determination Report for the suspected releases as part of the suspected release investigation (\$600) and implement appropriate corrective measures. The Date Required is the earliest RDR due 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 \$2,200

TOTAL \$64

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6") *Policy Revision 5 (January 28, 2021)*
Case ID No. 60522 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102431764
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 3

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

Violation Description Failed to provide a method of release detection that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. Also, failed to monitor the USTs in a manner which will detect a release 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 42 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 February 3, 2021 investigation date to the March 17, 2021 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 \$68 **Violation Final Penalty Total** \$3,758

This violation Final Assessed Penalty (adjusted for limits) \$3,758

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430459 ("Facility No. 6")
Case ID No. 60522
Reg. Ent. Reference No. RN102431764
Media Petroleum Storage Tank
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 3-Feb-2021 | 2-Jan-2022 | 0.91 | \$68 | n/a | \$68 |

Notes for DELAYED costs
 Estimated delayed cost to implement a release detection method for the USTs at Facility No. 6 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. 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
 (This section is currently blank for input.)

Approx. Cost of Compliance \$1,500

TOTAL \$68



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Mar-2021 | Screening | 17-Mar-2021 | EPA Due | |
| | PCW | 6-Apr-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7") |
| Reg. Ent. Ref. No. | RN101841419 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | |
|--|------------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60522 | No. of Violations | 3 |
| Docket No. | 2021-0454-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Hailey Johnson |
| | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$27,500 |
|---|-------------------|----------|

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 | \$5,500 |
|---------------------------|------------------|--------------------------------|---------|

| | |
|--------------|--|
| Notes | Enhancement for one Agreed Order containing a 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 | \$0 |
|--|-------------------|-----|

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

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$277 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$3,825 | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$33,000 |
|-----------------------------|-----------------------|----------|

| | | |
|---|-----------------|------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.1% Adjustment | \$27 |
|---|-----------------|------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | Enhancement to capture the avoided cost of compliance associated with Violation No. 1. |
|--------------|--|

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$33,027 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$33,027 |
|-----------------------------------|-------------------------------|----------|

| | | |
|-----------------|----------------------------|----------|
| DEFERRAL | 20.0% Reduction Adjustment | -\$6,605 |
|-----------------|----------------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

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

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$26,422 |
|------------------------|----------|

Screening Date 17-Mar-2021

Docket No. 2021-0454-PST-E

PCW

Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7")

Policy Revision 4 (April 2014)

Case ID No. 60522

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101841419

Media Petroleum Storage Tank

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number Adjust. | |
|-------------------------------|--|----------------|-----|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<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 containing a 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 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7") *Policy Revision 4 (April 2014)*
Case ID No. 60522 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101841419
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 334.72
Violation Description Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control ("IC") records for underground storage tank ("UST") Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not reported.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|----------|
| | | Major | Moderate | Minor | |
| | | x | | | 5.0% |
| 100% of the rule requirement was not met. | | | | | |
| Adjustment | | | | | \$23,750 |

\$1,250

Violation Events

Number of Violation Events: 4 441 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$5,000

Four single events are recommended (one for each UST in which a suspected release occurred).

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 | | |

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$32 **Violation Final Penalty Total** \$6,005
This violation Final Assessed Penalty (adjusted for limits) \$6,005

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7")
Case ID No. 60522
Reg. Ent. Reference No. RN101841419
Media Violation No. Petroleum Storage Tank
 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) | \$100 | 21-Dec-2020 | 2-Jan-2022 | 1.03 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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 | \$25 | 1-Jan-2020 | 17-Mar-2021 | 1.21 | \$2 | \$25 | \$27 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases. The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance \$125

TOTAL \$32

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7") *Policy Revision 4 (April 2014)*
Case ID No. 60522 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101841419
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC records for UST Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|-------|----------|----------------------|-------|
| OR | Harm | | | Percent 15.0% | |
| | Release | Major | Moderate | | Minor |
| | Actual | | | | |
| | 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 5 412 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$18,750

Five quarterly events are recommended from the earliest suspected release investigation due date of January 30, 2020 to the March 17, 2021 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 \$18,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$168

Violation Final Penalty Total \$22,518

This violation Final Assessed Penalty (adjusted for limits) \$22,518

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7")
Case ID No. 60522
Reg. Ent. Reference No. RN101841419
Media Violation No. Petroleum Storage Tank
 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 |
| Other (as needed) | \$800 | 30-Jan-2020 | 23-Nov-2020 | 0.82 | \$33 | n/a | \$33 |
| Other (as needed) | \$1,400 | 30-Jan-2020 | 2-Jan-2022 | 1.93 | \$135 | n/a | \$135 |

Notes for DELAYED costs

Estimated delayed cost to conduct tank and line tightness testing for UST Nos. 1 and 2 at Facility No. 7 as part of the suspected release investigation (\$400 per tank plus line x 2 = \$800). The Date Required is the earliest testing due date and the Final Date is the date of compliance. Estimated delayed cost to complete the suspected release investigation, which includes conducting tank and line tightness testing for UST Nos. 3 and 4 (\$800) and submitting a Release Determination Report for the suspected releases (\$600) and take appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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 \$2,200

TOTAL \$168

Screening Date 17-Mar-2021 **Docket No.** 2021-0454-PST-E **PCW**
Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7") *Policy Revision 4 (April 2014)*
Case ID No. 60522 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101841419
Media Petroleum Storage Tank
Enf. Coordinator Hailey Johnson

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(B) and (b)(1)(A) and Tex. Water Code § 26.3475(c)(1)
Violation Description Failed to provide a method of release detection that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. Also, failed to monitor the USTs in a manner which will detect a release 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 86 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 December 21, 2020 investigation date to the March 17, 2021 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 \$77 **Violation Final Penalty Total** \$4,504

This violation Final Assessed Penalty (adjusted for limits) \$4,504

Economic Benefit Worksheet

Respondent West Texas Commercial Properties LLC dba Hop In 430460 ("Facility No. 7")
Case ID No. 60522
Reg. Ent. Reference No. RN101841419
Media Violation No. Petroleum Storage Tank
 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 21-Dec-2020 | 2-Jan-2022 | 1.03 | \$77 | n/a | \$77 |

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at Facility No. 7 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions. 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 \$77

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Compliance History Report

Compliance History Report for CN605708684, RN101822187, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75
Regulated Entity: RN101822187, Hop In 430453 **Classification:** HIGH **Rating:** 0.00
Complexity Points: 7 **Repeat Violator:** NO
CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations
Location: 3901 South 1st Street, Abilene, Taylor County, Texas 79605-1639
TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 2675

LEAKING PETROLEUM STORAGE TANKS REMEDIATION
ID NUMBER 120029

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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 05, 2018 (1466385)

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

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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 CN605708684, RN101769305, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75

Regulated Entity: RN101769305, Hop In 430454 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 501 East South 11th Street, Abilene, Taylor County, Texas 79602-4101

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 37699

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

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

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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 05, 2018 (1466829)

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

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605708684, RN104586854, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75

Regulated Entity: RN104586854, Hop In 430455 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 5002 South 14th Street, Abilene, Taylor County, Texas 79606

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 75645

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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 05, 2018 (1466640)

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

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605708684, RN102033727, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75

Regulated Entity: RN102033727, Hop In 430456 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 1109 South Treadaway Boulevard, Abilene, Taylor County, Texas 79602-3948

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION **TIRES REGISTRATION** 578
REGISTRATION 35041

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Hailey Johnson **Phone:** (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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 05, 2018 (1466259)

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

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605708684, RN102261955, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75

Regulated Entity: RN102261955, Hop In 430458 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 1433 South Willis Street, Abilene, Taylor County, Texas 79605-5013

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 34868 **TIRES REGISTRATION** 2564

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Spry Texaco OWNER since 1/1/1800
West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605708684, RN102431764, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75

Regulated Entity: RN102431764, Hop In 430459 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 1033 Cherry Street, Baird, Callahan County, Texas 79504-4023

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 42646

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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 05, 2018 (1466647)

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

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605708684, RN101841419, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605708684, West Texas Commercial Properties LLC **Classification:** SATISFACTORY **Rating:** 2.75
Regulated Entity: RN101841419, Hop In 430460 **Classification:** SATISFACTORY **Rating:** 12.86
Complexity Points: 6 **Repeat Violator:** NO
CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations
Location: 1400 Coggin Avenue, Brownwood, Brown County, Texas 76801-4234
TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 44632

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

Date Compliance History Report Prepared: April 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2016 to April 14, 2021

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? West Texas Commercial Properties LLC OWNER OPERATOR since 6/12/2019
- 4) Who was/were the prior owner(s)/operator(s)? BW Gas & Convenience Retail, LLC, OPERATOR, 5/16/2017 to 6/11/2019

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

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

- 1 Effective Date: 09/25/2018 ADMINORDER 2018-0107-PST-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
 Description: 30 TAC 334.50(b)(1)(A) - Release Detection (TANKS)-
 Failure to monitor the USTs for releases at a frequency of at least once per month.
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
 30 TAC Chapter 334, SubChapter C 334.50(b)(2)
 Description: 30 TAC 334.50(b)(2) - Release Detection (PIPING) -
 Failure to provide proper release detection for the piping associated with UST systems.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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 WEST TEXAS COMMERCIAL PROPERTIES LLC DBA Hop In Nos. 430453, 430454, 430455, 430456, 430458, 430459, and 430460 RN101822187, RN101769305, RN104586854, RN102033727, RN102261955, RN102431764, RN101841419

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BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0454-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 West Texas Commercial Properties LLC dba Hop In Nos. 430453, 430454, 430455, 430456, 430458, 430459, and 430460 (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. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and convenience stores with retail sales of gasoline located at the following locations:
a. Hop In 430453, 3901 South 1st Street in Abilene, Taylor County, Texas ("Facility No. 1");
b. Hop In 430454, 501 East South 11th Street in Abilene, Taylor County, Texas ("Facility No. 2");
c. Hop In 430455, 5002 South 14th Street in Abilene, Taylor County, Texas ("Facility No. 3");
d. Hop In 430456, 1109 South Treadaway Boulevard in Abilene, Taylor County, Texas ("Facility No. 4");
e. Hop In 430458, 1433 South Willis Street in Abilene, Taylor County, Texas ("Facility No. 5");

- f. Hop In 430459, 1033 Cherry Street in Baird, Callahan County, Texas (“Facility No. 6”); and
- g. Hop In 430460, 1400 Coggin Avenue in Brownwood, Brown County, Texas (“Facility No. 7”).

The UST systems at Facility Nos. 1 through 7 (collectively referred to as the “Facilities”) are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.

- 2. The Executive Director and 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 \$164,687 is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). The Respondent paid \$131,752 of the penalty and \$32,935 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:
 - a. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for UST No. 1 at Facility No. 1 on November 5, 2020;
 - b. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for the USTs at Facility No. 6 on December 17, 2020; and
 - c. Conducted the tank and line tightness testing with passing results as part of the suspected release investigation for UST Nos. 1 and 2 at Facility No. 7 on November 23, 2020.

II. ALLEGATIONS

1. During an investigation conducted on February 3, 2021 at Facility No. 1, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control (“IC”) records for UST No. 1 for March 2020 through June 2020 indicated a suspected release that was not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC records for UST No. 1 for March 2020 through June 2020 indicated a suspected release that was not investigated.
 - c. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer’s and/or methodology provider’s specifications and instructions, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1).
 - d. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
2. During an investigation conducted on February 3, 2021 at Facility No. 2, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August 2020 and September 2020 indicated suspected releases that were not reported.

- b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC records for UST No. 1 for July 2020 through September 2020, for UST No. 2 for May 2020 through July 2020, and for UST No. 3 for August 2020 and September 2020 indicated suspected releases that were not investigated.
 - c. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1).
 - d. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
 - e. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(C) and (d)(3). Specifically, the registration indicates that UST No. 2 stores gasoline, but it actually stores diesel.
3. During an investigation conducted on February 3, 2021 at Facility No. 3, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST Nos. 2 and 4 for July 2020 and August 2020 indicated suspected releases that were not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC records for UST Nos. 2 and 4 for July 2020 and August 2020 indicated suspected releases that were not investigated.
4. During an investigation conducted on February 3, 2021 at Facility No. 4, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE

§ 334.74. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and for UST No. 4 for August 2020 and September 2020 indicated suspected releases that were not investigated.

5. During an investigation conducted on February 3, 2021 at Facility No. 5, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC records for UST Nos. 1 and 3 for January 2020 through March 2020 and May 2020 and June 2020, for UST No. 2 for January 2020 and February 2020 and May 2020 through August 2020, and for UST No. 4 for May 2020 and June 2020 indicated suspected releases that were not investigated.
 - c. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1).
 - d. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
 - e. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests for all USTs at Facility No. 5.
6. During an investigation conducted on February 3, 2021 at Facility No. 6, an investigator documented that the Respondent:
 - a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and September 2020 through December 2020 and for UST Nos. 3 and 4 for October 2020 through December 2020 indicated suspected releases that were not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE

§ 334.74. Specifically, IC records for UST Nos. 1 and 2 for June 2020 and July 2020 and September 2020 through December 2020 and for UST Nos. 3 and 4 for October 2020 through December 2020 indicated suspected releases that were not investigated.

- c. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1).
 - d. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
7. During an investigation conducted on December 21, 2020 at Facility No. 7, an investigator documented that the Respondent:
- a. Failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, IC records for UST Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not reported.
 - b. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC records for UST Nos. 1 and 2 for November 2019 through January 2020, May 2020 and June 2020, and September 2020 through November 2020 and for UST Nos. 3 and 4 for November 2019 and December 2019, March 2020 and April 2020, and June 2020 and July 2020 indicated suspected releases that were not investigated.
 - c. Failed to provide a method of release detection that is installed calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(B) and TEX. WATER CODE § 26.3475(c)(1).
 - d. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).

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: West Texas Commercial Properties LLC dba Hop In Nos. 430453, 430454, 430455, 430456, 430458, 430459, and 430460, Docket No. 2021-0454-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 for Facility No. 1:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - ii. Submit a Release Determination Report ("RDR") for the suspected release as part of the suspected release investigation and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74; and
 - iii. Implement a release detection method for the USTs at Facility No. 1 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - b. Within 30 days after the effective date of this Order for Facility No. 2:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;

- ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74;
- iii. Implement a release detection method for the USTs at Facility No. 2 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
- iv. Submit an amended UST registration to indicate the current regulated substance stored for UST No. 2 at Facility No. 2, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Section
Permitting & Registration Support Division, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 30 days after the effective date of this Order for Facility No. 3:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
- d. Within 30 days after the effective date of this Order for Facility No. 4:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
- e. Within 30 days after the effective date of this Order for Facility No. 5:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - ii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74;
 - iii. Implement a release detection method for the USTs at Facility No. 5 at least once every 30 days that is installed, calibrated, operated,

- maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
- iv. Conduct the annual line leak detector and piping tightness tests for all USTs at Facility No. 5, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- f. Within 30 days after the effective date of this Order for Facility No. 6:
- i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - ii. Submit an RDR for the suspected releases as part of the suspected release investigation and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74; and
 - iii. Implement a release detection method for the USTs at Facility No. 6 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- g. Within 30 days after the effective date of this Order for Facility No. 7:
- i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - ii. Complete the investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74; and
 - iii. Implement a release detection method for the USTs at Facility No. 7 at least once every 30 days that is installed, calibrated, operated, maintained, and utilized in accordance with the manufacturer's and/or methodology provider's specifications and instructions, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- h. 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 through 2.g. 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
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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



For the Executive Director

5/18/2022


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

4/12/2022

Date

MARVIN K. HENATT
Name (Printed or typed)

MANAGER
Title

Authorized Representative of

West Texas Commercial Properties LLC dba Hop In Nos. 430453, 430454, 430455, 430456,
430458, 430459, and 430460

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.