

Executive Summary – Enforcement Matter – Case No. 60813
MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613
RN102258761 and RN102269644
Docket No. 2021-0693-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Murphy USA 5665, 2313 South Jefferson Avenue, Mount Pleasant, Titus County
("Murphy USA 5665")

Murphy USA 6613, 2121 1/2 U.S. Highway 79 South, Henderson, Rusk County ("Murphy
USA 6613")

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 8, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$40,301

Amount Deferred for Expedited Settlement: \$8,060

Total Paid to General Revenue: \$32,241

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications (RN102258761):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (RN102269644):

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Executive Summary – Enforcement Matter – Case No. 60813
MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613
RN102258761 and RN102269644
Docket No. 2021-0693-PST-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 3, 2021 and March 5, 2021

Date(s) of NOE(s): May 17, 2021

Violation Information

At Murphy USA 5665:

1. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting within 30 days. Specifically, monthly inventory control ("MIC") records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not investigated [30 TEX. ADMIN. CODE § 334.74].
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, MIC records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not reported [30 TEX. ADMIN. CODE § 334.72].

At Murphy USA 6613:

3. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting within 30 days. Specifically, MIC records for November 2020 through February 2021 indicate a suspected release for the Tank 3 Diesel compartment which was not investigated [30 TEX. ADMIN. CODE § 334.74].
4. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, MIC records for November 2020 through February 2021 indicate a suspected release for the Tank 3 Diesel compartment which was not reported [30 TEX. ADMIN. CODE § 334.72].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent investigated the suspected release at Murphy USA 5665 on April 7, 2020 by conducting tank and piping tightness testing with passing results.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613
RN102258761 and RN102269644
Docket No. 2021-0693-PST-E

- i. Develop and implement procedures designed to ensure the timely reporting of suspected releases at the Facilities; and
 - ii. Conduct an investigation of the suspected release at Murphy USA 6613 and implement appropriate corrective measures.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Sarah Smith, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-4495; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: R.A. Clyde, President, MURPHY OIL USA, INC., 200 Peach Street, El Dorado, Arkansas 71730

Gregory Smith, Vice President/Associate General Counsel, MURPHY OIL USA, INC., 200 Peach Street, El Dorado, Arkansas 71730

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-May-2021	Screening	27-May-2021	EPA Due	
	PCW	27-May-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	MURPHY OIL USA, INC. dba Murphy USA 5665
Reg. Ent. Ref. No.	RN102258761
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60813	No. of Violations	2
Docket No.	2021-0693-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Tyler Richardson
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
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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	\$4,000
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Notes	Enhancement for one order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$49	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,125	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.1%	Adjustment	\$26
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 2.
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Final Penalty Amount	\$20,276
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,276
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,055
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$16,221
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Screening Date 27-May-2021

Docket No. 2021-0693-PST-E

PCW

Respondent MURPHY OIL USA, INC. dba Murphy USA 5665

Policy Revision 5 (January 28, 2021)

Case ID No. 60813

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102258761

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one 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 27-May-2021 **Docket No.** 2021-0693-PST-E **PCW**
Respondent MURPHY OIL USA, INC. dba Murphy USA 5665 *Policy Revision 5 (January 28, 2021)*
Case ID No. 60813 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102258761
Media Petroleum Storage Tank
Enf. Coordinator Tyler Richardson

Violation Number 1

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, monthly inventory control ("MIC") records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	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 \$17,500

\$7,500

Violation Events

Number of Violation Events: 2 132 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two quarterly events are recommended from the November 26, 2020 date the suspected release should have been investigated to the April 7, 2021 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$3,750

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

Notes The Respondent investigated the suspected release by conducting tank and piping tightness testing with passing results on April 7, 2021, prior to the May 17, 2021 Notice of Enforcement date.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$18 **Violation Final Penalty Total** \$14,268

This violation Final Assessed Penalty (adjusted for limits) \$14,268

Economic Benefit Worksheet

Respondent MURPHY OIL USA, INC. dba Murphy USA 5665
Case ID No. 60813
Reg. Ent. Reference No. RN102258761
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
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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)	\$1,000	26-Nov-2020	7-Apr-2021	0.36	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the date the release investigation was due and the Final Date is the date the suspected release was investigated.

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

\$18

Screening Date 27-May-2021 **Docket No.** 2021-0693-PST-E **PCW**
Respondent MURPHY OIL USA, INC. dba Murphy USA 5665 *Policy Revision 5 (January 28, 2021)*
Case ID No. 60813 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102258761
Media Petroleum Storage Tank
Enf. Coordinator Tyler Richardson

Violation Number

Rule Cite(s)

Violation Description Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, MIC records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not reported.

Base Penalty

>> Environmental, Property and Human Health Matrix

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="20.0%"/>

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 EDRP/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 MURPHY OIL USA, INC. dba Murphy USA 5665
Case ID No. 60813
Reg. Ent. Reference No. RN102258761
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
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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-Mar-2021	20-Mar-2022	1.05	\$5	n/a	\$5

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures designed to ensure timely reporting of suspected releases. 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)	\$25	28-Oct-2020	27-May-2021	0.58	\$1	\$25	\$26

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$125

TOTAL

\$31



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-May-2021			
	PCW	28-May-2021	Screening	27-May-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	MURPHY OIL USA, INC. dba Murphy USA 6613
Reg. Ent. Ref. No.	RN102269644
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	60813	No. of Violations	2	
Docket No.	2021-0692-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Tyler Richardson	
		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
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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
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Notes: No adjustment for compliance history.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$83
 Estimated Cost of Compliance: \$1,125
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.1%	Adjustment	\$25
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount	\$20,025
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,025
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,005
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,020
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Screening Date 27-May-2021

Docket No. 2021-0692-PST-E

PCW

Respondent MURPHY OIL USA, INC. dba Murphy USA 6613

Policy Revision 5 (January 28, 2021)

Case ID No. 60813

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102269644

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 27-May-2021

Docket No. 2021-0692-PST-E

PCW

Respondent MURPHY OIL USA, INC. dba Murphy USA 6613

Policy Revision 5 (January 28, 2021)

Case ID No. 60813

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102269644

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 1

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, monthly inventory control ("MIC") records for November 2020 through February 2021 indicate a suspected release for the Tank 3 Diesel compartment which was not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 2

92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two quarterly events are recommended from the February 24, 2021 date the suspected release should have been investigated to the May 27, 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 \$53

Violation Final Penalty Total \$15,019

This violation Final Assessed Penalty (adjusted for limits) \$15,019

Economic Benefit Worksheet

Respondent MURPHY OIL USA, INC. dba Murphy USA 6613
Case ID No. 60813
Reg. Ent. Reference No. RN102269644
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
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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)	\$1,000	24-Feb-2021	20-Mar-2022	1.07	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the date the release investigation was due 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

\$53

Screening Date 27-May-2021 **Docket No.** 2021-0692-PST-E **PCW**
Respondent MURPHY OIL USA, INC. dba Murphy USA 6613 *Policy Revision 5 (January 28, 2021)*
Case ID No. 60813 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102269644
Media Petroleum Storage Tank
Enf. Coordinator Tyler Richardson

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="20.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

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 MURPHY OIL USA, INC. dba Murphy USA 6613
Case ID No. 60813
Reg. Ent. Reference No. RN102269644
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
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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	5-Mar-2021	20-Mar-2022	1.04	\$5	n/a	\$5

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures designed to ensure timely reporting of suspected releases. 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)	\$25	26-Jan-2021	27-May-2021	0.33	\$0	\$25	\$25

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$125

TOTAL

\$30



Compliance History Report

Compliance History Report for CN601187875, RN102258761, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN601187875, MURPHY OIL USA, INC.	Classification:	SATISFACTORY	Rating:	0.74
Regulated Entity:	RN102258761, Murphy USA 5665	Classification:	SATISFACTORY	Rating:	30.00
Complexity Points:	2	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	2313 South Jefferson Avenue in Mount Pleasant, Titus County, Texas				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 71865				
Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	May 27, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 27, 2016 to May 27, 2021				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Tyler Richardson			Phone:	(512) 756-3994

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 01/21/2020 ADMINORDER 2019-0392-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter D 334.74
Description: Failure to investigate suspected release of regulated substances within 30 days of discovery.
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter D 334.72
Description: Failed to report a suspected release to the agency within 24 hours of discovery.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 March 11, 2020 (1632618)
Item 2 July 08, 2020 (1658643)

E. Written notices of violations (NOV) (CEEDS 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



Compliance History Report

Compliance History Report for CN601187875, RN102269644, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN601187875, MURPHY OIL USA, INC.	Classification:	SATISFACTORY	Rating:	0.74
Regulated Entity:	RN102269644, Murphy USA 6613	Classification:	HIGH	Rating:	0.00
Complexity Points:	3	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	2121 1/2 United States Highway 79 South in Henderson, Rusk County, Texas				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 73485				
Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	May 27, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 27, 2016 to May 27, 2021				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Tyler Richardson			Phone:	(512) 756-3994

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:
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 March 02, 2018 (1472399)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
MURPHY OIL USA, INC. DBA	§	TEXAS COMMISSION ON
MURPHY USA 5665 AND	§	
MURPHY USA 6613	§	
RN102258761 AND RN102269644	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2021-0693-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 MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613 (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), two underground storage tank ("UST") systems and convenience stores with retail sales of gasoline (collectively referred to as the "Facilities") located at:
 - a. 2313 South Jefferson Avenue in Mount Pleasant, Titus County, Texas ("Murphy USA 5665").
 - b. 2121^{1/2} United States Highway 79 South in Henderson, Rusk County, Texas ("Murphy USA 6613")

The UST systems at the Facilities are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.

2. The Executive Director and 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 \$40,301 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$32,241 of the penalty and \$8,060 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 investigated the suspected release at Murphy USA 5665 on April 7, 2020 by conducting tank and piping tightness testing with passing results.

II. ALLEGATIONS

1. During an investigation conducted at Murphy USA 5665 on March 3, 2021, an investigator documented that the Respondent:
 - a. 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, monthly inventory control ("MIC") records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not investigated.
 - b. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, MIC records for August 2020 through February 2021 indicate a suspected release for Tank 2 which was not reported.

2. During an investigation conducted at Murphy USA 6613 on March 5, 2021, an investigator documented that the Respondent:
 - a. 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, MIC records for November 2020 through February 2021 indicate a suspected release for the Tank 3 Diesel compartment which was not investigated.
 - b. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, MIC records for November 2020 through February 2021 indicate a suspected release for the Tank 3 Diesel compartment which was not reported.

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: MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613, Docket No. 2021-0693-PST-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures designed to ensure the timely reporting of suspected releases at the Facilities, in accordance with 30 TEX. ADMIN. CODE § 334.72.
 - ii. Conduct an investigation of the suspected release at Murphy USA 6613 and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 Facility 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.

MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613
DOCKET NO. 2021-0693-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

4/11/2022

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 ^{DS} compliance documents may result in criminal prosecution.

DocuSigned by:


A66F8F26CD5C44C...
Signature

8/23/2021

Date

Greg Smith

Associate General Counsel

Name (Printed or typed)

Title

Authorized Representative of

MURPHY OIL USA, INC. dba Murphy USA 5665 and Murphy USA 6613

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.