

Executive Summary – Enforcement Matter – Case No. 60964
LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.
RN102452539
Docket No. 2021-0834-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Loves Country Store 250, 14701 West IH-40, Amarillo, Potter County

Type of Operation:

Travel center with a wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 29, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,250

Total Paid to General Revenue: \$36,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 29, 2021

Date(s) of NOE(s): June 7, 2021

Executive Summary – Enforcement Matter – Case No. 60964
LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.
RN102452539
Docket No. 2021-0834-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen, chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015618001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015618001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-5717; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kevin Nickell, Environmental Division Manager, LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., 10601 North Pennsylvania Avenue, Oklahoma City, Oklahoma 73120

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Jun-2021		
	PCW	2-Jul-2021	Screening	23-Jun-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.			
Reg. Ent. Ref. No.	RN102452539			
Facility/Site Region	1-Amarillo	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	60964	No. of Violations	1
Docket No.	2021-0834-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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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	45.0%	Adjustment	Subtotals 2, 3, & 7	\$11,250
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Notes	Enhancement for six self-reported effluent violations and one order without a denial of liability. Reduction for High Performer Classification.			
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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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,223	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$36,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$36,250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$36,250
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Screening Date

23-Jun-2021

Docket No.

2021-0834-MWD-E

PCW

Respondent

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

Case ID No.

60964

Reg. Ent. Reference No.

RN102452539

Media

Water Quality

Enf. Coordinator

Steven Van Landingham

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	6	30%
	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	1	25%
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)

55%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7)

-10%

>> Compliance History Summary

Compliance History Notes

Enhancement for six self-reported effluent violations and one order without a denial of liability.
Reduction for High Performer Classification.

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

45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

45%

Screening Date	23-Jun-2021	Docket No.	2021-0834-MWD-E	PCW
Respondent	LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.			Policy Revision 5 (January 28, 2021)
Case ID No.	60964			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102452539			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0015618001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual	x		
	Potential			
			Percent	50.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids and chlorine residual were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$12,500	
			\$12,500	
Violation Events				
	Number of Violation Events	2	62	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$25,000
	Two monthly events are recommended for the months of December 2020 and January 2021.			
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	\$25,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$1,223	Violation Final Penalty Total	\$36,250
	This violation Final Assessed Penalty (adjusted for limits)			\$36,250

Economic Benefit Worksheet

Respondent LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.
Case ID No. 60964
Reg. Ent. Reference No. RN102452539
Media Water Quality
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)	\$15,000	31-Dec-2020	18-Aug-2022	1.63	\$1,223	n/a	\$1,223
Notes for DELAYED costs	Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance 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	\$15,000	TOTAL	\$1,223
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LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

Docket No. 2021-0834-MWD-E

TPDES Permit No. WQ0015618001

Effluent Violation Table

	Carbonaceous Biochemical Oxygen Demand (5-day)			Ammonia Nitrogen		
	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Daily Average Concentration	Single Grab Concentration	Daily Average Loading
Month/ Year	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 1.2 lbs/day	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 0.2 lbs/day
December 2020	28.63	45.4	1.96	51.33	117	2.49
January 2021	63.33	97	4.92	3.44	c	0.25
	Total Suspended Solids			Chlorine Residual		
	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Monthly Minimum Concentration	Monthly Maximum Concentration	
Month/ Year	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 1.9 lbs/day	Limit = 1 mg/L	Limit = 4 mg/L	
December 2020	37.72	66.7	2.45	0.34	7.4	
January 2021	131.5	183	9.76	c	c	

c = compliant

lbs/day = pounds per day

mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN601101173, RN102452539, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN601101173, LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. **Classification:** HIGH **Rating:** 0.03

Regulated Entity: RN102452539, Loves Country Store 250 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 12 **Repeat Violator:** NO

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

Location: 14701 W INTERSTATE 40 AMARILLO, TX 79124-2615, POTTER COUNTY

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1880052

STORMWATER PERMIT TXR1539BY

WASTEWATER PERMIT WQ0005309000

WASTEWATER EPA ID TX0138037

LEAKING PETROLEUM STORAGE TANKS REMEDIATION

ID NUMBER 120334

WASTEWATER EPA ID TX0140945

WASTEWATER PERMIT WQ0015618001

WASTEWATER AUTHORIZATION R15618001

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

Date Compliance History Report Prepared: June 23, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 23, 2016 to June 23, 2021

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

Name: Steven Van Landingham

Phone: (512) 239-5717

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: 08/19/2019 ADMINORDER 2018-0581-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: GWR Triggered Source MR Violation 08/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: GWR Triggered Source MR Violation 07/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: GWR Triggered Source MR Violation 06/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: GWR Triggered Source MR Violation 07/2016 - Failure to collect and/or report triggered source monitoring

sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: GWR Triggered Source MR Violation 06/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JUL/2016 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 07/2016.

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 23, 2017	(1394433)
Item 2	January 17, 2019	(1539288)
Item 3	October 16, 2019	(1597801)
Item 4	November 20, 2019	(1610940)
Item 5	December 18, 2020	(1719679)

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.

1	Date: 12/31/2020 (1719680)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 01/31/2021 (1732761)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
3	Date: 02/28/2021 (1732762)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
4	Date: 03/31/2021 (1732763)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
5	Date: 04/30/2021 (1710844)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
6	Date: 05/31/2021	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 6/23/2016 and 6/23/2021

- 1 Date: 09/09/2016 (1481167)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: GWR Triggered Source MR Violation 06/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
- 2 Date: 09/26/2016 (1481167)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: GWR Triggered Source MR Violation 07/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
- 3 Date: 10/03/2016 (1363483)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
- Description: The facility failed to provide a flow measuring device for the system well.
- Classification: Major
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
- Description: The facility failed to maintain a minimum disinfectant residual of 0.20 mg/L free chlorine at all times throughout the distribution system.
- Classification: Major
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
- Description: The facility failed to monitor the performance of the disinfection facilities to ensure that the appropriate disinfectant levels are maintained. Specifically, the facility failed to provide a method to determine the disinfectant residual in the distribution system.
- 4 Date: 01/27/2017 (1481167)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: JUL/2016 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 07/2016.
- 5 Date: 02/23/2018 (1481167)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: GWR Triggered Source MR Violation 06/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

6	<p>Date: 02/26/2018 (1481167)</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B) 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)</p> <p>Description: GWR Triggered Source MR Violation 07/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.</p>
7	<p>Date: 03/13/2018 (1481167)</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B) 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)</p> <p>Description: GWR Triggered Source MR Violation 08/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.</p>
8	<p>Date: 04/04/2018 (1481167)</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1) 30 TAC Chapter 290, SubChapter F 290.109(c)(3) 30 TAC Chapter 290, SubChapter F 290.109(g)(14) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(1) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)</p> <p>Description: RTCR L1 Violation 06/28/2016 - 07/28/2016 - Failure to complete a Level 1 Assessment or provide an adequate Level 1 Assessment after it was triggered during the monitoring period 06/2016.</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2) 30 TAC Chapter 290, SubChapter F 290.109(c)(3) 30 TAC Chapter 290, SubChapter F 290.109(g)(14) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)</p> <p>Description: RTCR L2 Violation 07/30/2017 - 08/29/2017 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 07/2017.</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2) 30 TAC Chapter 290, SubChapter F 290.109(c)(3) 30 TAC Chapter 290, SubChapter F 290.109(g)(14) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)</p> <p>Description: RTCR L2 Violation 06/29/2017 - 07/29/2017 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 06/2017.</p> <p>Classification: Moderate</p> <p>Self Report? NO For Informational Purposes Only</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2) 30 TAC Chapter 290, SubChapter F 290.109(c)(3) 30 TAC Chapter 290, SubChapter F 290.109(g)(14) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)</p> <p>Description: RTCR L2 Violation 07/27/2016 - 08/26/2016 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 07/2016.</p>

9	Date: 04/11/2018 (1482241)	Classification: Moderate
	Self Report? NO	For Informational Purposes Only
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)	
	Description: JUN/2016 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 1 assessment after it was triggered during the month of 06/2016.	Classification: Moderate
	Self Report? NO	For Informational Purposes Only
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)	
	Description: JUL/2016 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 07/2016.	Classification: Moderate
	Self Report? NO	For Informational Purposes Only
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: JUN/2017 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 06/2017.	Classification: Moderate
	Self Report? NO	For Informational Purposes Only
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: JUL/2017 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 07/2017.	
10	Date: 12/31/2020 (1719680)	Classification: Moderate
	Self Report? YES	For Informational Purposes Only
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
11	Date: 01/31/2021 (1732761)	Classification: Moderate
	Self Report? YES	For Informational Purposes Only
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
12	Date: 02/28/2021 (1732762)	Classification: Moderate
	Self Report? YES	For Informational Purposes Only
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	

13 Date: 03/31/2021 (1732763) Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

* NOV's applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B

All Investigations Conducted During Component Period June 23, 2016 and June 23, 2021

Item 1	October 03, 2016**	(1363483) For Informational Purposes Only
Item 2*	February 23, 2017**	(1394433) For Informational Purposes Only
Item 3	April 06, 2017**	(1402993) For Informational Purposes Only
Item 4	April 18, 2018**	(1481167) For Informational Purposes Only
Item 5	April 25, 2018**	(1482241) For Informational Purposes Only
Item 6	April 27, 2018**	(1481760) For Informational Purposes Only
Item 7*	January 17, 2019**	(1539288) For Informational Purposes Only
Item 8*	October 16, 2019**	(1597801) For Informational Purposes Only
Item 9*	November 20, 2019**	(1610940) For Informational Purposes Only
Item 10*	December 18, 2020	(1719679) For Informational Purposes Only
Item 11	January 21, 2021	(1719680) For Informational Purposes Only
Item 12	February 19, 2021	(1732761) For Informational Purposes Only
Item 13	March 18, 2021	(1732762) For Informational Purposes Only
Item 14	April 28, 2021	(1732763) For Informational Purposes Only
Item 15	June 08, 2021	(1710844) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.
RN102452539**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0834-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a travel center with a wastewater treatment facility located at 14701 West Interstate Highway 40 in Amarillo, Potter County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on April 29, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table						
	Carbonaceous Biochemical Oxygen Demand (5-day)			Ammonia Nitrogen		
	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Daily Average Concentration	Single Grab Concentration	Daily Average Loading
Month/ Year	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 1.2 lbs/day	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 0.2 lbs/day
December 2020	28.63	45.4	1.96	51.33	117	2.49
January 2021	63.33	97	4.92	3.44	c	0.25
	Total Suspended Solids			Chlorine Residual		
	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Monthly Minimum Concentration	Monthly Maximum Concentration	
Month/ Year	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 1.9 lbs/day	Limit = 1 mg/L	Limit = 4 mg/L	
December 2020	37.72	66.7	2.45	0.34	7.4	
January 2021	131.5	183	9.76	c	c	

mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015618001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$36,250 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$36,250 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., Docket No. 2021-0834-MWD-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015618001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

Water Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the 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. 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 in this Order.
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. 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.
10. 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.

11. 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

3/16/2022


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

9-24-2021
Date


Name (Printed or typed)

Sr Environmental Mgr
Title

Authorized Representative of
LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

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