

**Executive Summary – Enforcement Matter – Case No. 61150
EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24
RN101902054 and RN108193590
Docket No. 2021-1040-PST-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Snappy Foods 6, 811 Voss Avenue, Odem, San Patricio County ("Facility No. 1")

Snappy Foods 24, 809 South Alamo Street, Refugio, Refugio County ("Facility No. 2")

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: April 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,468

Amount Deferred for Expedited Settlement: \$2,092

Total Paid to General Revenue: \$256

Total Due to General Revenue: \$8,120

Payment Plan: 35 payments of \$232 each

Compliance History Classifications (RN101902054):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (RN108193590):

Person/CN - Satisfactory

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

**Executive Summary – Enforcement Matter – Case No. 61150
EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24
RN101902054 and RN108193590
Docket No. 2021-1040-PST-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 27, 2021

Date(s) of NOE(s): July 22, 2021 and July 23, 2021

Violation Information

At Facility 1:

1. 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 [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].
2. Failed to ensure that all installed spill and overflow prevention devices are maintained in good operating condition. Specifically, the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2 at the Facility were cracked [30 TEX. ADMIN. CODE §§ 334.48(d) and 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2)].
3. Failed to equip each UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank. Specifically, the diesel fuel compartment of UST No. 2 was not equipped with overflow prevention equipment [30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i) and TEX. WATER CODE § 26.3475(c)(2)].
4. Failed to assure that all UST recordkeeping requirements are met. Specifically, tank release detection records and periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation [30 TEX. ADMIN. CODE § 334.10(b)(2)].

At Facility 2:

5. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on June 11, 2015 and the Respondent was not monitoring it using interstitial monitoring [30 TEX. ADMIN. CODE §§ 334.45(d)(1)(E)(iii) and 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

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Docket No. 2021-1040-PST-E**

6. 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 [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

7. Failed to equip the UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank. Specifically, the UST compartments were not equipped with overfill prevention equipment [30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i) and TEX. WATER CODE § 26.3475(c)(2)].

8. Failed to assure that all UST recordkeeping requirements are met. Specifically, periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation [30 TEX. ADMIN. CODE § 334.10(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent conducted the annual line leak detector and piping tightness tests at Facility No. 1 on December 9, 2021, and Facility No. 2 on November 8, 2021, with passing results.

Technical Requirements:

The Order will require the Respondent to, for Facility 1:

a. Immediately, begin maintaining UST records, including, but not limited to, tank release detection and periodic operation and maintenance inspection records, and make them immediately available for inspection upon request by agency personnel.

b. Within 30 days:

i. Replace the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2; and

ii. Install overfill prevention equipment for the diesel fuel compartment of UST No. 2.

The Order will require the Respondent to, for Facility 2:

c. Immediately, begin maintaining UST records, including, but not limited to, periodic operation and maintenance inspection records, and make them immediately available for inspection upon request by agency personnel.

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EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24
RN101902054 and RN108193590
Docket No. 2021-1040-PST-E**

d. Within 30 days:

i. Implement interstitial monitoring release detection method for the UST; and

ii. Install overfill prevention equipment for all UST compartments.

e. Within 45 days, submit written certification to demonstrate compliance with a., b., c., and d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division,
Enforcement Team 6, MC 219, (512) 239-2536; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Agha S. Ali, Director, EMROOZ, Inc., P.O. Box 3696, Corpus Christi,
Texas 78463-3696

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jul-2021	Screening	5-Aug-2021	EPA Due	
	PCW	9-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	EMROOZ, Inc. dba Snappy Foods 6
Reg. Ent. Ref. No.	RN101902054
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61150	No. of Violations	3
Docket No.	2021-1040-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		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	\$5,250
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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	2.0%	Adjustment	Subtotals 2, 3, & 7	\$105
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Notes	Enhancement for one NOV with dissimilar violations.
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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	-\$375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$367	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,781	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,980
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.4%	Adjustment	\$119
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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. 1.
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Final Penalty Amount	\$5,099
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,099
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,019
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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	\$4,080
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Screening Date 5-Aug-2021

Docket No. 2021-1040-PST-E

PCW

Respondent EMROOZ, Inc. dba Snappy Foods 6

Policy Revision 5 (January 28, 2021)

Case ID No. 61150

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101902054

Media Petroleum Storage Tank

Enf. Coordinator Karolyn Kent

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	1	2%
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) 2%

>> 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 NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 5-Aug-2021
Respondent EMROOZ, Inc. dba Snappy Foods 6
Case ID No. 61150
Reg. Ent. Reference No. RN101902054
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Docket No. 2021-1040-PST-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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="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

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 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" value="X"/>
N/A	<input type="text"/>	<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 EMROOZ, Inc. dba Snappy Foods 6
Case ID No. 61150
Reg. Ent. Reference No. RN101902054
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
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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	\$118	27-May-2021	9-Dec-2021	0.54	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to conduct the annual line leak detector and piping tightness tests. The Date Required is the investigation date, and the Final Date is the 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	27-May-2021	5-Aug-2021	0.19	\$1	\$118	\$119
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 the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance \$236

TOTAL \$122

Screening Date 5-Aug-2021 **Docket No.** 2021-1040-PST-E **PCW**
Respondent EMROOZ, Inc. dba Snappy Foods 6 *Policy Revision 5 (January 28, 2021)*
Case ID No. 61150 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101902054
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 334.48(d), 334.51(a)(6), and (b)(2)(C)(i) and Tex. Water Code § 26.3475(c)(2)
Violation Description Failed to ensure that all installed spill and overfill prevention devices are maintained in good operating condition. Specifically, the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2 at the Facility were cracked. Also, failed to equip each UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank. Specifically, the diesel fuel compartment of UST No. 2 was not equipped with overfill prevention equipment.

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="5.0%"/>
Potential	<input type="text"/>	X	<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 Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	X
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the May 27, 2021 investigation date to the August 5, 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	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 EMROOZ, Inc. dba Snappy Foods 6
Case ID No. 61150
Reg. Ent. Reference No. RN101902054
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	\$2,000	27-May-2021	22-May-2022	0.99	\$7	\$132	\$139
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	27-May-2021	22-May-2022	0.99	\$5	\$99	\$104
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated delayed cost to replace the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2 (\$1,000 per spill bucket), and to install overfill prevention equipment for the diesel fuel compartment of UST No. 2 (\$1,500). The Dates Required are the investigation date, and the Final Dates are 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 \$3,500

TOTAL \$243

Screening Date 5-Aug-2021 **Docket No.** 2021-1040-PST-E **PCW**
Respondent EMROOZ, Inc. dba Snappy Foods 6 *Policy Revision 5 (January 28, 2021)*
Case ID No. 61150 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101902054
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)(2)
Violation Description Failed to assure that all UST recordkeeping requirements are met. Specifically, tank release detection records and periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation.

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	1.0%
	Less than 30% of the rule requirement was not met.				

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$261

This violation Final Assessed Penalty (adjusted for limits) \$261

Economic Benefit Worksheet

Respondent EMROOZ, Inc. dba Snappy Foods 6
Case ID No. 61150
Reg. Ent. Reference No. RN101902054
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
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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	\$45	27-May-2021	22-May-2022	0.99	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated delayed cost to maintain tank release detection and periodic operation and maintenance inspection records and make them immediately available for inspection upon request by agency personnel. 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 \$45

TOTAL \$2



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jul-2021	Screening	5-Aug-2021	EPA Due	
	PCW	9-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	EMROOZ, Inc. dba Snappy Foods 24
Reg. Ent. Ref. No.	RN108193590
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61150	No. of Violations	3
Docket No.	2021-1040-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		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	\$5,250
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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.
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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	\$509	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,281	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.3%	Adjustment	\$119
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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. 1.
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Final Penalty Amount	\$5,369
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,369
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,073
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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	\$4,296
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Screening Date 5-Aug-2021

Docket No. 2021-1040-PST-E

PCW

Respondent EMROOZ, Inc. dba Snappy Foods 24

Policy Revision 5 (January 28, 2021)

Case ID No. 61150

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN108193590

Media Petroleum Storage Tank

Enf. Coordinator Karolyn Kent

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 5-Aug-2021 **Docket No.** 2021-1040-PST-E **PCW**
Respondent EMROOZ, Inc. dba Snappy Foods 24 *Policy Revision 5 (January 28, 2021)*
Case ID No. 61150 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108193590
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.45(d)(1)(E)(iii) and 334.50(b)(1)(B) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description Failed to monitor the underground storage tank ("UST") for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on June 11, 2015 and the Respondent was not monitoring it using interstitial monitoring. Also, 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.

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 70 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 May 27, 2021 investigation date to the August 5, 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 \$196

Violation Final Penalty Total \$3,835

This violation Final Assessed Penalty (adjusted for limits) \$3,835

Economic Benefit Worksheet

Respondent EMROOZ, Inc. dba Snappy Foods 24
Case ID No. 61150
Reg. Ent. Reference No. RN108193590
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	\$118	27-May-2021	8-Nov-2021	0.45	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	27-May-2021	22-May-2022	0.99	\$74	n/a	\$74

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection method for the UST at the Facility (\$1,500). The Date Required is the investigation date, and the Final Date is the estimated date of compliance. 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 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	27-May-2021	5-Aug-2021	0.19	\$1	\$118	\$119
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 the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance \$1,736

TOTAL \$196

Screening Date 5-Aug-2021 **Docket No.** 2021-1040-PST-E **PCW**
Respondent EMROOZ, Inc. dba Snappy Foods 24 *Policy Revision 5 (January 28, 2021)*
Case ID No. 61150 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108193590
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 334.51(b)(2)(C)(i) and Tex. Water Code § 26.3475(c)(2)
Violation Description Failed to equip the UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank. Specifically, the UST compartments were not equipped with overfill prevention equipment.

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="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="X"/>	<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 significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the May 27, 2021 investigation date to the August 5, 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 checked="" 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 EMROOZ, Inc. dba Snappy Foods 24
Case ID No. 61150
Reg. Ent. Reference No. RN108193590
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	\$4,500	27-May-2021	22-May-2022	0.99	\$15	\$296	\$311
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated delayed cost to install overfill prevention equipment for all UST compartments at the Facility (\$1,500 per UST compartment, for three compartments). 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 \$4,500

TOTAL \$311

Screening Date 5-Aug-2021 **Docket No.** 2021-1040-PST-E **PCW**
Respondent EMROOZ, Inc. dba Snappy Foods 24 *Policy Revision 5 (January 28, 2021)*
Case ID No. 61150 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108193590
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)(2)
Violation Description Failed to assure that all UST recordkeeping requirements are met. Specifically, periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation.

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	1.0%
Less than 30% of the rule requirement was not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$256

This violation Final Assessed Penalty (adjusted for limits) \$256

Economic Benefit Worksheet

Respondent EMROOZ, Inc. dba Snappy Foods 24
Case ID No. 61150
Reg. Ent. Reference No. RN108193590
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	\$45	27-May-2021	22-May-2022	0.99	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated delayed cost to maintain periodic operation and maintenance inspection records and make them immediately available for inspection upon request by agency personnel. 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 \$45

TOTAL \$2

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 CN603931924, RN101902054, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603931924, EMROOZ, Inc. **Classification:** SATISFACTORY **Rating:** 9.59
Regulated Entity: RN101902054, Snappy Foods 6 **Classification:** SATISFACTORY **Rating:** 0.17
Complexity Points: 5 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 811 Voss Avenue, Odem, San Patricio County, Texas 78370-4353
TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 13988

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

Date Compliance History Report Prepared: September 21, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 21, 2016 to September 21, 2021

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

Name: Karolyn Kent

Phone: (512) 239-2536

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? EMROOZ, Inc. OPERATOR since 3/4/2019
42 Convenience Holdings, LLC OWNER since 3/4/2019
- 4) Who was/were the prior owner(s)/operator(s)? EMROOZ, Inc., OWNER OPERATOR, 6/16/2011 to 3/3/2019

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 August 31, 2018 (1506945)

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: 05/27/2021 (1723778)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Failed to monitor all such tanks in a manner which will detect a release at a frequency of at least once every 30-days by using one or more of the release detection methods described in subsection (d)(4) - (10).

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 CN603931924, RN108193590, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603931924, EMROOZ, Inc. **Classification:** SATISFACTORY **Rating:** 9.59

Regulated Entity: RN108193590, Snappy Foods 24 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 809 South Alamo Street, Refugio, Refugio County, Texas 78377-2103

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 87524

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

Date Compliance History Report Prepared: September 21, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 21, 2016 to September 21, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Karolyn Kent **Phone:** (512) 239-2536

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? EMROOZ, Inc. OPERATOR since 3/4/2019
42 Convenience Holdings, LLC OWNER since 3/4/2019
- 4) Who was/were the prior owner(s)/operator(s)? EMROOZ, Inc., OWNER OPERATOR, 6/11/2015 to 3/3/2019

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 August 31, 2018 (1506944)

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
EMROOZ, INC. DBA SNAPPY
FOODS 6 AND DBA SNAPPY
FOODS 24
RN101902054
RN108193590**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1040-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 EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24 (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 operates, as defined in 30 TEX. ADMIN. CODE § 334.2(75), two underground storage tank ("UST") systems and two convenience stores with retail sales of gasoline located at the following locations:
 - a. Snappy Foods 6, 811 Voss Avenue, Odem, San Patricio County, Texas ("Facility No. 1"); and
 - b. Snappy Foods 24, 809 South Alamo Street, Refugio, Refugio County, Texas ("Facility No. 2").

The UST systems at Facility No. 1 and Facility No. 2 (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 \$10,468 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$256 of the penalty and \$2,092 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$8,120 of the undeferred penalty shall be paid in 35 monthly payments of \$232 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and 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 conducted the annual line leak detector and piping tightness tests at Facility No. 1 on December 9, 2021, and Facility No. 2 on November 8, 2021, with passing results.

II. ALLEGATIONS

During an investigation at Facility No. 1 conducted on May 27, 2021, an investigator documented that the Respondent:

1. 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.

2. Failed to ensure that all installed spill and overflow prevention devices are maintained in good operating condition, in violation of 30 TEX. ADMIN. CODE §§ 334.48(d) and 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2 at the Facility were cracked.
3. Failed to equip each UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the diesel fuel compartment of UST No. 2 was not equipped with overflow prevention equipment.
4. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, tank release detection records and periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation.

During an investigation at Facility No. 2 conducted on May 27, 2021, an investigator documented that the Respondent:

1. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009, in violation of 30 TEX. ADMIN. CODE §§ 334.45(d)(1)(E)(iii) and 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the UST was installed on June 11, 2015 and the Respondent was not monitoring it using interstitial monitoring.
2. 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.
3. Failed to equip the UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the UST compartments were not equipped with overflow prevention equipment.
4. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, periodic operation and maintenance inspection records of the Facility's UST system were not available for inspection at the time of the investigation.

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: EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24, Docket No. 2021-1040-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. Immediately upon the effective date of this Order for Facility No. 1, begin maintaining UST records, including, but not limited to, tank release detection and periodic operation and maintenance inspection records, and make them immediately available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10.
 - b. Within 30 days after the effective date of this Order for Facility No. 1:
 - i. Replace the spill buckets for the super unleaded gasoline and diesel fuel compartments of UST No. 2, in accordance with 30 TEX. ADMIN. CODE §§ 334.48 and 334.51; and
 - ii. Install overfill prevention equipment for the diesel fuel compartment of UST No. 2, in accordance with 30 TEX. ADMIN. CODE § 334.51.
 - c. Immediately upon the effective date of this Order for Facility No. 2, begin maintaining UST records, including, but not limited to, periodic operation and maintenance inspection records, and make them immediately available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10.
 - d. Within 30 days after the effective date of this Order for Facility No. 2:
 - i. Implement interstitial monitoring release detection method for the UST at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50; and

- ii. Install overfill prevention equipment for all UST compartments at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.51.
- e. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.b, 2.c, and 2.d. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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



9/14/2022

For the Executive Director

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

Date

Name (Printed or typed)

Title

Authorized Representative of

EMROOZ, Inc. dba Snappy Foods 6 and dba Snappy Foods 24

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