

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61232
555 Main Street, LLC
RN102401957
Docket No. 2021-1174-PST-E

Page 1 of 2

Order Type:

Default Order (SOAH preliminary hearing)

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

555 Main Street, Beaumont, Jefferson County

Type of Operation:

an underground storage tank ("UST") system and a convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: None

Texas Register Publication Date: May 16, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$16,295

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$16,295

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: June 15, 2021

Date of NOV: N/A

Date of NOE: August 13, 2021

Violation Information

1. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST [30 TEX. ADMIN. CODE § 37.815(a) and (b)].
2. Failed to monitor the UST for releases at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A)].
3. Failed to provide release detection for the suction piping associated with the UST system [TEX. WATER CODE § 26.3475(b) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].
4. Failed to identify and designate for the UST facility at least one named individual for each class of operator – Class A, Class B, and Class C [30 TEX. ADMIN. CODE § 334.602(a)].
5. Failed to ensure the spill prevention equipment and containment sumps used for interstitial monitoring of piping (when interstitial monitoring is the primary release detection method) are liquid tight at least once every three years by January 1, 2021, for all UST systems installed before September 1, 2018 [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii)].
6. Failed to inspect the spill prevention and release detection equipment at least once every 30 days [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(h)(1)(A)].
7. Failed to submit a properly completed UST registration and self-certification form within 30 days of ownership change [30 TEX. ADMIN. CODE §§ 334.7(d)(1)(A) and 334.8 (c)(4)(C)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

Respondent no longer owns or operates the Facility as of August 16, 2021.

Technical Requirements:

None

Litigation Information

Date Petition Filed: August 19, 2024
Date of Service: August 28, 2024
Date Answer Filed: September 20, 2024
SOAH Referral Date: November 12, 2024
Hearing Date:
Preliminary hearing: February 27, 2025

Contact Information

TCEQ Attorneys: Misty James, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Eresha DeSilva, Enforcement Division, (512) 239-2607

TCEQ Regional Contact: David King, Beaumont Regional Office, (409) 898-3838

Respondent Contact: Thomas M. Flanagan, Managing Member, 555 Main Street, LLC, 595 Orleans Street, Suite 1510, Beaumont, Texas 77701

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Aug-2021	Screening	23-Aug-2021	EPA Due	
	PCW	14-May-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	555 Main Street, LLC
Reg. Ent. Ref. No.	RN102401957
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61232	No. of Violations	6
Docket No.	2021-1174-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,250
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Notes	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	\$3,797
Estimated Cost of Compliance	\$3,951

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	44.8%	Adjustment	\$5,045
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 2, 3, 5, and 6 (\$3,795) and to offset High Performer reduction (\$1,250).	
	Final Penalty Amount	\$16,295

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,295
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$16,295
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Screening Date	23-Aug-2021	Docket No.	2021-1174-PST-E	PCW
Respondent	555 Main Street, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61232			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102401957			
Media	Petroleum Storage Tank			
Enf. Coordinator	Stephanie McCurley			

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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 23-Aug-2021 Respondent 555 Main Street, LLC Case ID No. 61232 Reg. Ent. Reference No. RN102401957 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley		Docket No. 2021-1174-PST-E		PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 37.815(a) and (b)			
Violation Description		Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum underground storage tank ("UST").			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		Percent 0.0%
		Major	Moderate	Minor	
	Actual				
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent 10.0%
		x			
Matrix Notes		100% of the rule requirement was not met.			
		Adjustment		\$22,500	
				\$2,500	
Violation Events					
Number of Violation Events		1		62 Number of violation days	
	daily			Violation Base Penalty \$2,500	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
		One single event is recommended.			
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes		The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal		\$2,500	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$1,749		Violation Final Penalty Total \$3,259	
		This violation Final Assessed Penalty (adjusted for limits)		\$3,259	

Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$660	11-Mar-2019	16-Aug-2021	2.44	\$141	\$1,608	\$1,749
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for the petroleum UST. The Date Required is the purchase date of the property and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$1,608

TOTAL

\$1,749

Screening Date 23-Aug-2021 Respondent 555 Main Street, LLC Case ID No. 61232 Reg. Ent. Reference No. RN102401957 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley	Docket No. 2021-1174-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(b) and (c)(1)	
Violation Description	Failed to monitor the UST for releases at a frequency of at least once every 30 days. Also, failed to provide release detection for the suction piping associated with the UST system. Specifically, the Respondent had not conducted the triennial piping tightness testing.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	62	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					

Violation Base Penalty	\$3,750
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One quarterly event is recommended from the June 15, 2021 investigation date to the August 16, 2021 date of ownership change.

Good Faith Efforts to Comply

	0.0%	
	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
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1,631
Violation Final Penalty Total	\$4,889
This violation Final Assessed Penalty (adjusted for limits)	\$4,889

Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	15-Jun-2021	16-Aug-2021	0.17	\$1	\$118	\$119
Other (as needed)	\$1,500	15-Jun-2021	16-Aug-2021	0.17	\$12	\$1,500	\$1,512

Notes for AVOIDED costs

Estimated cost to implement a method of release detection for the UST at the Facility (\$1,500) and conduct the triennial piping tightness testing (\$118). The Dates Required are the investigation date and the Final Dates are the date of ownership change.

Approx. Cost of Compliance

\$1,618

TOTAL

\$1,631

Screening Date 23-Aug-2021 Respondent 555 Main Street, LLC Case ID No. 61232 Reg. Ent. Reference No. RN102401957 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley	Docket No. 2021-1174-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code § 334.602(a)
Violation Description	Failed to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	62	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				Violation Base Penalty \$1,250
	semiannual					
	annual					
	single event					

One quarterly event is recommended from the June 15, 2021 investigation date to the August 16, 2021 date of ownership change.

Good Faith Efforts to Comply

	0.0%	
	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	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$101	Statutory Limit Test
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Violation Final Penalty Total	\$1,630
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This violation Final Assessed Penalty (adjusted for limits)	\$1,630
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Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$100	15-Jun-2021	16-Aug-2021	0.17	\$1	\$100	\$101

Notes for AVOIDED costs

Estimated avoided cost to obtain the required operator training and designate a Class A, Class B, and Class C operator. The Date Required is the investigation date and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$100

TOTAL

\$101

Screening Date	23-Aug-2021	Docket No.	2021-1174-PST-E	PCW
Respondent	555 Main Street, LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61232	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102401957			
Media	Petroleum Storage Tank			
Enf. Coordinator	Stephanie McCurley			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and Tex. Water Code § 26.3475(c)(2)			
Violation Description	Failed to ensure the spill prevention equipment and containment sumps used for interstitial monitoring of piping (when interstitial monitoring is the primary release detection method) are liquid tight at least once every three years by January 1, 2021, for UST systems installed before September 1, 2018.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to 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 \$23,750

\$1,250

Violation Events

Number of Violation Events	1	45	Number of violation days
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daily		Violation Base Penalty \$1,250
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

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 came into compliance on July 30, 2021 prior to the Notice of Enforcement dated August 13, 2021 after conducting the triennial tightness testing with passing results.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$2	Statutory Limit Test	
		Violation Final Penalty Total	\$1,630
This violation Final Assessed Penalty (adjusted for limits)			\$1,630

Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$325	15-Jun-2021	30-Jul-2021	0.12	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial spill prevention equipment (\$25) and containment sump tightness testing (\$300). 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$325

TOTAL

\$2

Screening Date 23-Aug-2021 Respondent 555 Main Street, LLC Case ID No. 61232 Reg. Ent. Reference No. RN102401957 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley	Docket No. 2021-1174-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5	
Rule Cite(s)		30 Tex. Admin. Code § 334.48(h)(1)(A) and Tex. Water Code § 26.3475(c)(2)
Violation Description		Failed to inspect the spill prevention and release detection equipment at least once every 30 days. Specifically, the Respondent was not conducting the 30-day inspections of the spill prevention and release detection equipment by the January 1, 2021 inspection start date.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		
					Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	62	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$1,250
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One quarterly event is recommended from the June 15, 2021 investigation date to the August 16, 2021 date of ownership change.	
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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.
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Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$202	Statutory Limit Test
		Violation Final Penalty Total
		\$1,630
		This violation Final Assessed Penalty (adjusted for limits)
		\$1,630

Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 5

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$200	15-Jun-2021	16-Aug-2021	0.17	\$2	\$200	\$202
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct inspections of the spill prevention (\$100) and release detection equipment (\$100) at least once every 30 days. The Date Required is the investigation date and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$200

TOTAL

\$202

Screening Date 23-Aug-2021 Respondent 555 Main Street, LLC Case ID No. 61232 Reg. Ent. Reference No. RN102401957 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley	Docket No. 2021-1174-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	
Rule Cite(s)		30 Tex. Admin. Code §§ 334.7(d)(1)(A) and 334.8(c)(4)(C)
Violation Description		Failed to submit a properly completed UST registration and self-certification form within 30 days of ownership change. Specifically, the Respondent failed to submit an amended UST registration and self-certification form after the ownership of the property changed on March 11, 2019.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
		100% of the rule requirement was not met.			

Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	1	855	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					

One single event is recommended.	
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Good Faith Efforts to Comply

0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$2,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$112	Statutory Limit Test	
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Violation Final Penalty Total	\$3,259
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This violation Final Assessed Penalty (adjusted for limits)	\$3,259
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Economic Benefit Worksheet

Respondent 555 Main Street, LLC
Case ID No. 61232
Reg. Ent. Reference No. RN102401957
Media Petroleum Storage Tank
Violation No. 6

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$100	10-Apr-2019	16-Aug-2021	2.35	\$12	\$100	\$112

Notes for AVOIDED costs

Estimated delayed cost to prepare and submit a properly completed UST registration and self-certification form to reflect the current owner of the UST system. The Date Required is 30 days after the date ownership of the property changed and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$100

TOTAL

\$112

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 CN605907088, RN102401957, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605907088, 555 Main Street, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102401957, Beaumont Division Office WZ3033 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 555 Main Street in Beaumont, Jefferson County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 19215 **PETROLEUM STORAGE TANK NON REGISTERED ID** NUMBER 10102401957

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

Date Compliance History Report Prepared: September 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 24, 2016 to September 24, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Stephanie McCurley **Phone:** (512) 239-2607

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? 555 Main Street, LLC OWNER OPERATOR since 11/13/2020
AT&T Corp. OWNER OPERATOR since 9/19/2017
- 4) Who was/were the prior owner(s)/operator(s)? Southwestern Bell Telephone Company, OWNER OPERATOR, 12/16/2011 to 11/12/2020

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
555 MAIN STREET, LLC;
RN102401957

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1174-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is 555 Main Street, LLC ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2, an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 555 Main Street in Beaumont, Jefferson County, Texas (Facility ID No. 19215) (the "Facility"). The USTs at the Facility 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. During an investigation conducted on June 15, 2021, an investigator documented that Respondent:
 - a. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST;
 - b. Failed to monitor the UST for releases at a frequency of at least once every 30 days;
 - c. Failed to provide release detection for the suction piping associated with the UST system. Specifically, Respondent had not conducted the triennial piping tightness testing;
 - d. Failed to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C;
 - e. Failed to ensure the spill prevention equipment and containment sumps used for interstitial monitoring of piping (when interstitial monitoring is the primary release detection method) are liquid tight at least once every three years by January 1, 2021, for UST systems installed before September 1, 2018;
 - f. Failed to inspect the spill prevention and release detection equipment at least once every 30 days. Specifically, Respondent was not conducting the 30-day inspections of the spill prevention and release detection equipment by the January 1, 2021 inspection start date; and

- g. Failed to submit a properly completed UST registration and self-certification form within 30 days of the ownership change. Specifically, Respondent failed to submit an amended UST registration and self-certification form after the ownership of the property changed on March 11, 2019.
3. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of August 16, 2021.
4. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against 555 Main Street, LLC” (the “EDFARP”) in the TCEQ Chief Clerk’s office on August 19, 2024.
5. Respondent filed an answer requesting a hearing on September 20, 2024, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on November 12, 2024.
6. On February 5, 2025, the TCEQ Chief Clerk mailed notice of the February 27, 2025, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
7. On February 27, 2025, the Administrative Law Judge (“ALJ”) convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
8. On March 10, 2025, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 2 so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEXAS WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to monitor the UST for releases at a frequency of at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide release detection for the suction piping associated with the UST system, in violation of TEX. WATER CODE § 26.3475(b) and 30 TEX. ADMIN. CODE § 334.50(b)(2).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C, in violation of 30 TEX. ADMIN. CODE § 334.602(a).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure the spill prevention equipment and containment sumps used for interstitial monitoring of piping (when interstitial monitoring is the primary release detection method) are liquid tight at least once every three years by January 1, 2021, for UST systems installed before September 1, 2018, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii).

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to inspect the spill prevention and release detection equipment at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(h)(1)(A).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to submit a properly completed UST registration and self-certification form within 30 days of the ownership change, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d)(1)(A) and 334.8(c)(4)(C).
9. As evidenced by Finding of Fact No. 5, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
10. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.423, and 80.6.
11. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of \$16,295 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
14. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$16,295 for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: 555 Main Street, LLC; Docket No. 2021-1174-PST-E" to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MISTY D. JAMES

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against 555 Main Street, LLC' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on August 19, 2024.

Respondent filed an answer requesting a hearing on September 20, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on November 12, 2024. On February 5, 2025, the TCEQ Chief Clerk mailed notice of the February 27, 2025, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear at the hearing on February 27, 2025. On March 6, 2025, I filed a motion requesting that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 2, issued on March 10, 2025, so that TCEQ may dispose of this case on a default basis."

"My name is Misty D. James and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 14th day of April, 2025

A handwritten signature in black ink, appearing to read "Misty D. James".

Declarant