

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61400
Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
RN102041910
Docket No. 2021-1307-PST-E

Order Type:
Default Shutdown Order

Media:
PST

Small Business:
Yes

Location Where Violations Occurred:
9003 Huebner Road, San Antonio, Bexar County

Type of Operation:
waste oil underground storage tank (“UST”) system without delivery fill ports or dispensers at a service station

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: \$1861.30
Past-Due Fees: None
Other: None
Interested Third Parties: None

Texas Register Publication Date: November 21, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$8,839
Total Paid to General Revenue: \$0
Total Due to General Revenue: \$8,839

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 Dates: N/A
Date of Investigation: July 28, 2021
Date of NOV: N/A
Date of NOE: August 31, 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 the petroleum UST [30 TEX. ADMIN. CODE § 37.815(a) and (b)].
2. Failed to monitor the UST in a manner which will detect a release 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 ensure that all installed spill and overflow prevention devices are maintained in good operating condition [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(a)(6)].
4. Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility [30 TEX. ADMIN. CODE § 334.602(a)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

None

Technical Requirements:

1. Immediately shut down operations of the UST at the Facility:
 - a. Cease depositing regulated substances into the UST;
 - b. Empty the UST of all regulated substances; and
 - c. Temporarily remove the UST from service.
2. The UST at the Facility shall remain out of service, as directed by Technical Requirement Nos. 1.a. through 1.c., until such time as Respondent demonstrates to the satisfaction of the Executive Director that the violations have been corrected.
3. Within 15 days submit a detailed written report documenting the steps taken to comply with Technical Requirement Nos. 1.a. through 1.c.
4. If Respondent elects to permanently remove from service any portion of the UST system at the Facility, Respondent shall immediately, permanently remove the UST system from service, and within 15 days submit a written report documenting compliance.
5. Prior to receiving deliveries or making deposits of regulated substances into the UST system:
 - a. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensation to third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs;
 - b. Implement a release detection method for the USTs at the Facility;
 - c. Develop and implement procedures to ensure that spill prevention devices are maintained in good operating conditions; and
 - d. Designate, train, and certify at least one individual as Class A, Class B, and Class C Operator for the Facility.
6. Within 10 days of resuming acceptance or making deposits of regulated substances submit written certification to demonstrate compliance with Technical Requirement Nos. 5.a. through 5.d.

Litigation Information

Date Petitions Filed: October 11, 2023; July 3, 2024
Dates of Service: unclaimed; unclaimed
Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: William Hogan, 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: Eunice Adegelu, Enforcement Division, (512) 239-5082
TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096
Respondent Contact: Mohammed H. Hafsi, Director, Complete Lube N Repair Inc., 9003 Huebner
Road, Suite 3, San Antonio, Texas 78240-1897
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021	Screening	14-Sep-2021	EPA Due	
	PCW	3-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
Reg. Ent. Ref. No.	RN102041910
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61400	No. of Violations	4
Docket No.	2021-1307-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Faye Renfro
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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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	-\$875
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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	\$377	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,947	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	12.2%	Adjustment	\$964
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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 No. 1 and to offset the reduction for High Performer Classification.
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Final Penalty Amount	\$8,839
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,839
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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	\$8,839
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Screening Date 14-Sep-2021

Docket No. 2021-1307-PST-E

PCW

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes

Policy Revision 5 (January 28, 2021)

Case ID No. 61400

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102041910

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

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 14-Sep-2021

Docket No. 2021-1307-PST-E

PCW

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes

Policy Revision 5 (January 28, 2021)

Case ID No. 61400

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102041910

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

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 the petroleum underground storage tank ("UST").

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$22,500

\$2,500

Violation Events

Number of Violation Events 1

48 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal

\$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$136

Violation Final Penalty Total

\$2,525

This violation Final Assessed Penalty (adjusted for limits)

\$2,525

Economic Benefit Worksheet

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
Case ID No. 61400
Reg. Ent. Reference No. RN102041910
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)	\$660	28-Jul-2021	31-Dec-2022	1.43	\$47	n/a	\$47

Notes for DELAYED costs

Estimated delayed cost to provide financial assurance for one UST at the Facility. 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	\$660	28-Jul-2021	14-Sep-2021	0.13	\$2	\$87	\$89
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 one UST at the Facility. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$747

TOTAL

\$136

Screening Date 14-Sep-2021 **Docket No.** 2021-1307-PST-E **PCW**
Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes *Policy Revision 5 (January 28, 2021)*
Case ID No. 61400 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102041910
Media Petroleum Storage Tank
Enf. Coordinator Faye Renfro

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)
Violation Description Failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 48 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 July 28, 2021 investigation date to the September 14, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/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 \$167 **Violation Final Penalty Total** \$3,788

This violation Final Assessed Penalty (adjusted for limits) \$3,788

Economic Benefit Worksheet

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
Case ID No. 61400
Reg. Ent. Reference No. RN102041910
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)	\$1,500	28-Jul-2021	17-Oct-2023	2.22	\$167	n/a	\$167

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the UST at the Facility. 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

\$1,500

TOTAL

\$167

Screening Date 14-Sep-2021 **Docket No.** 2021-1307-PST-E **PCW**
Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes *Policy Revision 5 (January 28, 2021)*
Case ID No. 61400 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102041910
Media Petroleum Storage Tank
Enf. Coordinator Faye Renfro

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.51(a)(6) 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, used oil was documented overflowing the spill bucket..

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				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 48 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 28, 2021 investigation date to the September 14, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,250

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

Estimated EB Amount \$67 **Violation Final Penalty Total** \$1,263

This violation Final Assessed Penalty (adjusted for limits) \$1,263

Economic Benefit Worksheet

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
Case ID No. 61400
Reg. Ent. Reference No. RN102041910
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	\$500	28-Jul-2021	17-Oct-2023	2.22	\$56	n/a	\$56
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jul-2021	17-Oct-2023	2.22	\$11	n/a	\$11
Notes for DELAYED costs	Estimated delayed cost to empty the overfill bucket and property dispose of its contents (\$500) and to develop and implement procedures to ensure that spill prevention devices are maintained in good operating condition (\$100). The Dates Required are the investigation date and the Final Dates are 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 \$600

TOTAL \$67

Screening Date 14-Sep-2021 **Docket No.** 2021-1307-PST-E **PCW**
Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes *Policy Revision 5 (January 28, 2021)*
Case ID No. 61400 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102041910
Media Petroleum Storage Tank
Enf. Coordinator Faye Renfro

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

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

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes
Case ID No. 61400
Reg. Ent. Reference No. RN102041910
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	28-Jul-2021	31-Dec-2022	1.43	\$7	n/a	\$7
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 designate, train, and certify a Class A, Class B, and Class C Operator (\$90 for Class A and Class B, and \$10 for Class C) for the Facility. 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 \$100

TOTAL \$7

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
COMPLETE LUBE N REPAIR INC. DBA
ECONO LUBE N TUNE AND BRAKES;
RN102041910**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT AND SHUTDOWN ORDER

DOCKET NO. 2021-1307-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary 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 and corrective action of the respondent. The Commission also considered the Executive Director's Motion requesting the entry of an Order requiring the respondent to shut down and remove from service the underground storage tank ("UST") located at 9003 Huebner Road in San Antonio, Bexar County, Texas. The respondent made the subject of this Order is Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes ("Respondent").

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

FINDINGS OF FACT

1. Respondent operates, as defined in 30 TEX. ADMIN. CODE § 334.2, a UST system located at 9003 Huebner Road in San Antonio, Bexar County, Texas (Facility ID No. 53387) (the "Facility"). The UST at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and it contains a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on July 28, 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 the petroleum UST;
 - b. Failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days;
 - c. Failed to ensure that all installed spill and overfill prevention devices are maintained in good operating condition. Specifically, used oil was documented overflowing the spill bucket; and
 - d. Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility. Specifically, the Facility did not have a certified Class A, Class B, or Class C Operator.
3. By letter dated August 31, 2021, Respondent was provided with written notice of the violations and of TCEQ's authority to shut down and remove from service USTs not in compliance with release detection, spill and/or overfill prevention, corrosion protection, and/or financial assurance requirements if the violations were not corrected.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain

Actions of Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes” (the “EDPRP”) in the TCEQ Chief Clerk’s office on October 11, 2023.

5. The EDPRP was mailed to Respondent’s last known address on October 11, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on July 3, 2024.
7. By letter dated July 3, 2024, sent to Respondent’s last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
8. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.
9. By letter dated May 30, 2025, the Executive Director provided Respondent with notice of TCEQ’s intent to order the UST at the Facility to be shut down and removed from service if Respondent failed to correct the financial assurance violation within 30 days after Respondent’s receipt of the notice.
10. As of the date of entry of this Order, Respondent has not provided the Executive Director with documentation sufficiently demonstrating that the financial assurance, release detection, and spill and overfill prevention violations alleged in Finding of Fact Nos. 2.a. through 2.c. are corrected.
11. The UST at the Facility does not have financial assurance, release detection, or spill and overfill prevention, as required by TEX. WATER CODE §§ 26.3475(c)(1) and (c)(2) and 26.352, and 30 TEX. ADMIN. CODE §§ 37.815(a) and (b), 334.50(b)(1)(A), and 334.51(a)(6). Therefore, conditions at the Facility constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. 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 the 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 in a manner which will detect a release 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 ensure that all installed spill and overfill prevention devices are maintained in good operating condition, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(a)(6).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a).
6. As evidenced by Findings of Fact Nos. 3 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

7. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
8. 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.
9. An administrative penalty in the amount of \$8,839 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. As evidenced by Findings of Fact Nos. 2.a. through 2.c., 3, 9, and 10, Respondent failed to correct documented violations of financial assurance, release detection, and spill and overfill prevention requirements within 30 days after Respondent received notice of the violations and notice of the Executive Director's intent to shut down the UST at the Facility.
11. TEX. WATER CODE §§ 26.3475(e) and 26.352(i) authorize the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of TCEQ regulatory requirements relating to release detection for tanks and/or piping, spill and/or overfill prevention for tanks, corrosion protection for tanks and/or piping, and/or acceptable financial assurance.
12. 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.
13. As evidenced by Findings of Fact Nos. 10 and 11, current conditions at the Facility constitute an imminent peril to public health, safety, and welfare. Therefore, pursuant to the Administrative Procedure Act, TEX. GOV'T CODE § 2001.144(a)(3), this Order is final and effective on the date it is signed by the Commission.

ORDERING PROVISIONS

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

1. Immediately upon the effective date of this Order, Respondent shall take the following steps to shut down operations of the UST at the Facility:
 - a. Cease depositing regulated substances into the UST;
 - b. Empty the UST of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and
 - c. Temporarily remove the UST from service in accordance with 30 TEX. ADMIN. CODE § 334.54.
2. The UST at the Facility shall remain out of service, pursuant to TEX. WATER CODE § 26.352(i) and as directed by Ordering Provision Nos. 1.a. through 1.c. until such time as Respondent demonstrates to the satisfaction of the Executive Director that the financial assurance, release detection, and spill and overfill prevention violations noted in Conclusion of Law Nos. 2 through 4 have been corrected.
3. Within 15 days after the effective date of this Order, Respondent shall submit a detailed written report, in accordance with Ordering Provision No. 9, documenting the steps taken to comply with Ordering Provision Nos. 1.a. through 1.c.

4. If Respondent elects to permanently remove from service any portion of the UST system at the Facility, Respondent shall, immediately upon the effective date of this Order, permanently remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.55, and within 15 days after the effective date of this Order, shall submit a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55 to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Respondent is assessed an administrative penalty in the amount of \$8,839 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.
6. 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: Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes; Docket No. 2021-1307-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

7. Prior to receiving deliveries or making deposits of regulated substances into the UST system, Respondent shall undertake the following technical requirements:
- Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensation to third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in accordance with 30 TEX. ADMIN. CODE § 37.815;
 - Implement a release detection method for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - Develop and implement procedures to ensure that spill prevention devices are maintained in good operating conditions, in accordance with 30 TEX. ADMIN. CODE § 334.51; and
 - Designate, train, and certify at least one individual as Class A, Class B, and Class C Operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602.
8. Within 10 days of resuming acceptance or making deposits of regulated substances, Respondent shall submit written certification, in accordance with Ordering Provision No. 9 to demonstrate compliance with Ordering Provision Nos. 7.a. through 7.d.
9. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Waste Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

10. All relief not expressly granted in this Order is denied.
11. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
12. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 WILLIAM HOGAN

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 11, 2023.

The EDPRP was mailed to Respondent's last known address on October 11, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 3, 2024.

The EDPRP was mailed to Respondent's last known address on July 3, 2024, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

By letter dated July 3, 2025, sent via first class mail and certified mail, return receipt requested article no. 7019 0140 0000 0800 2321, 7022 3330 0000 1186 1522, and 7022 3330 0000 1186 1539, I provided Respondent with notice of the TCEQ's intent to order the UST at the Facility be shut down and removed from service if the violations pertaining to financial assurance, release detection, and spill and overfill prevention were not corrected within 30 days of Respondent's receipt of the letter. The United States Postal Service returned the Notice sent by certified mail as "unclaimed." The first class mail has not been returned.

As of the date of this declaration, I am not aware of any evidence that confirms that Respondent's financial assurance, release detection, and spill and overfill prevention violations noted during the July 28, 2021 investigation are now corrected."

"My name is William Hogan, 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 30th day of May, 2025

William Hogan

Declarant