EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61529 Pilot Thomas Logistics LLC DBA Pilot Thomas Logistics Card-Lock # 8622 and Pilot Thomas Logistics Card-Lock # 8612

RN102243185; RN102219433 Docket No. 2021-1446-PST-E

Order Type:

Agreed Order

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

2410 West Wall Street, Midland, Midland County (Facility 1)

803 Hobbs Highway, Seminole, Gaines County (Facility 2)

Type of Operation:

underground storage tank ("UST") systems and fleet refueling facility with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2022-1304-PST-E; 2023-1166-PST-E; and

2024-0231-MLM-E

Past-Due Penalties:
Past-Due Fees:
None
Other:
None
Interested Third-Parties:
None

Texas Register Publication Date: July 5, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$12,000

Total Paid to General Revenue: \$12,000

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN - HIGH

Site/RN - HIGH (F1); HIGH (F2)

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28,2021

Investigation Information

Complaint Dates(s): N/A

Date(s) of Investigation: September 22, 2021; October 20, 2021

Date(s) of NOV(s): N/A

Date(s) of NOE(s): October 22, 2021; November 12, 2021

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61529 Pilot Thomas Logistics LLC DBA Pilot Thomas Logistics Card-Lock # 8622 and Pilot Thomas Logistics Card-Lock # 8612

RN102243185; RN102219433 Docket No. 2021-1446-PST-E

Violation Information

Facility 1 and 2:

- 1. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST [Tex. Water Code § 26.3467(a) and 30 Tex. Admin. Code § 334.8(c)(5)(A)(i)].
- 2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on December 16, 2021, and on November 29, 2021.

Technical Requirements:

None

Litigation Information

Settlement Date: June 10, 2024

Contact Information

TCEO Attorneys: Taylor Pack Ellis, 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: Lauren Little, Enforcement Division, (817) 588-5888

TCEQ Regional Contact: Crystal Garcia, Midland Regional Office, (432) 570-1359

Respondent Contact: David Dodson, Vice President, Pilot Thomas Logistics LLC, 1051 Mustang Drive,

Suite 600, Grapevine, Texas 76051, P.O. Box 2136, Grapevine, Texas 76099

Respondent's Attorney: James A. Edwards, Chief Legal Officer, Pilot Thomas Logistics LLC, 1051

Mustang Drive, Suite 600, Grapevine, Texas 76051



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES Assigned 25-Oct-2021
PCW 22-Nov-2021

PCW 22-Nov-2021 Screening 4-Nov-2021 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent
Reg. Ent. Ref. No.
Facility/Site Region

Respondent
Resp

CASE INFORMATION

Enf./Case ID No. 61529
Docket No. 2021-1446-PST-E
Media Program(s) Petroleum Storage Tank
Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Au	illili. Pellaity \$ 1	Plaximum \$2.3,000	
		Penalty Calculation Section	
TOTA	L BASE PENA	ALTY (Sum of violation base penalties) Subtotal 1	\$7,500
ADJU		/-) TO SUBTOTAL 1	
	Subtotals 2-7 are of Compliance Hi	otained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. story -10.0% Adjustment Subtotals 2, 3, & 7	-\$750
	Notes	Reduction for High Performer classification.	
	Culpability	No 0.0% Enhancement Subtotal 4	\$0
	Notes	The Respondent does not meet the culpability criteria.	
	Good Faith Eff	ort to Comply Total Adjustments Subtotal 5	-\$750
	Economic Ben	Total EB Amounts \$1 *Capped at the Total EB \$ Amount	\$0
	Estimated	d Cost of Compliance \$40	
SUM	OF SUBTOTA	LS 1-7 Final Subtotal	\$6,000
		AS JUSTICE MAY REQUIRE 0.0% Adjustment	\$0
Reduces	or enhances the Fina	I Subtotal by the indicated percentage.	
	Notes		
		Final Penalty Amount	\$6,000
STAT	UTORY LIMIT	T ADJUSTMENT Final Assessed Penalty	\$6,000
DEEE	RRAL	0.0% Reduction Adjustment	\$0
		enalty by the indicated percentage.	
	Notes	Deferral not offered for non-expedited settlement.	
PAYA	BLE PENALT	Υ	\$6,000

Screening Date 4-Nov-2021

Docket No. 2021-1446-PST-E

PCW

Respondent Pilot Thomas Logistics LLC dba Pilot Thomas Logistics Card-Lock #

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Case ID No. 61529

Reg. Ent. Reference No. RN102243185 (Facility No. 1)

Media Petroleum Storage Tank

		Enf. Coo	rdinator Horus Garcia			
			Compliance History Worksheet			
>>	Co	mpliance Hist	ory 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 (number of NOVs meeting criteria)	0	0%	
			Other written NOVs	0	0%	
			Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
		Orders	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%	
		Any non-adjudicated final court judgments or consent decrees containing a denia of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0	0%	
		Decrees 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 (number of events)	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 (number of audits for which notices were submitted)	0	0%	
		nadics	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%	
			Environmental management systems in place for one year or more	No	0%	
		Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		56.15.	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 Per	centage (Sub	total 2)	0%
>>	Re	peat Violator	(Subtotal 3)			
		No	Adjustment Per	centage (Sub	ototal 3)	0%
>>	Co	mpliance Hist	ory Person Classification (Subtotal 7)			
		High Perf	ormer Adjustment Per	centage (Sub	total 7)	-10%
>>	Co	mpliance Hist	ory Summary			
		Compliance History Notes	Reduction for High Performer classification.			
	Cim-	l Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	-10%
>>	rına	ii Compilance	History Adjustment Final Adjustment Percenta	age *capped.	at 100%	-10%
			· ····································	Juppou		

		ening Date				et No. 2021-1446-PST-E	P	CW
	R	espondent	Pilot Thomas L	ogistics LLC dl	ba Pilot Thomas	Logistics Card-Lock # 8622	Policy Revision 5 (January 2	28, 2021)
		ase ID No.					PCW Revision February	11, 2021
Reg.	Ent. Ref	erence No.	RN102243185	(Facility No. 1	.)			
		Media	Petroleum Sto	rage Tank				
	Enf. C	coordinator	Horus Garcia					
	Viola	ition Number	1					
		Rule Cite(s)						
		Rule Cite(s)	30 Tex. Ad	min. Code § 3	34.8(c)(5)(A)(i)	and Tex. Water Code § 26.3	<mark>167(a)</mark>	
			Failed to m	nake available	to a common ca	rrier a valid, current TCEQ de	livery	
						ulated substance into the und		
	Violatio	n Description				elivery certificate expired on		
						eived on February 4, 2021, v		
			,			livery certificate.		
						<u> </u>		
						_		+ D.E. 0.00
						Base	Penalty	\$25,000
Em		ntal Dyana	white a med Lilium	wan Haalth	Matrix			
>> EN	vironme	ntal, Prope	rty and Hun	nan neam Harm	масгіх			
		Release	Major	Moderate	Minor			
OR		Actual		rioderate	1111101			
• · · · ·		Potential				Percent 0.0%		
		Foteritiai				Percent 0.0%		
>> Dro	aramma	tic Matrix						
P10	gramma	Falsification	Major	Moderate	Minor			
		raisincation	X	Moderate	MINIO	Percent 10.0%		
			^			Feicent 10.0%		
	Matrix							
	Notes		10	00% of the rule	e requirement w	as not met.		
						Adjustment	\$22,500	
								\$2,500
								\$7.500
								42/000
Violati	on Even	te						42/000
Violati	on Even	ts						<i>42,000</i>
Violati	on Even		/iolation Events	1		1 Number of violation	dave	<i>42,000</i>
Violati	on Even		/iolation Events	5 1		1 Number of violation	days	<i>¥2,000</i>
Violati	on Even			5 <u>1</u>		1 Number of violation	days	<i>42,000</i>
Violati	on Even		daily	5 1		1 Number of violation	days	<i>42,000</i>
Violati	on Even		daily weekly	5 1		1 Number of violation	days	42,000
Violati	on Even		daily weekly monthly	5 1				
Violati	on Even		daily weekly monthly quarterly	5 1		1 Number of violation Violation Base		\$2,500
Violati	on Even		daily weekly monthly quarterly semiannual	5 1				
Violati	on Even		daily weekly monthly quarterly semiannual annual					
Violati	on Even		daily weekly monthly quarterly semiannual	5 1 X				
Violati	on Even		daily weekly monthly quarterly semiannual annual					
Violati	on Even		daily weekly monthly quarterly semiannual annual	X	event is recomm	Violation Base		
Violati	on Even		daily weekly monthly quarterly semiannual annual	X	event is recomm	Violation Base		
Violati	on Even		daily weekly monthly quarterly semiannual annual	X	event is recomm	Violation Base		
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single		Violation Base	Penalty	\$2,500
			daily weekly monthly quarterly semiannual annual single event	X One single of		Violation Base ended.		
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of		Violation Base ended.	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR	Violation Base ended.	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single of 10.0% Before NOE/NOV		Violation Base ended.	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of 10.0% Before NOE/NOV	NOE/NOV to EDPR	Violation Base ended.	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single of the single of	NOE/NOV to EDPR	Violation Base ended.	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single of the single of	NOE/NOV to EDPR X dent achieved consistration and S	ended. P/Settlement Offer mpliance by submitting an elf-Certification Form and	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coegistration.	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16,	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coegistration.	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement	Penalty	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement =").	Reduction	\$2,500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement	Reduction	\$2,500
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement E"). Violation	Reduction Subtotal	\$2,500
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement =").	Reduction Subtotal	\$2,500
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event	X One single of the single of	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefished to the October 22, 2	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement E"). Violation	Reduction Subtotal Test	\$2,500
Good F	aith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	The Respondupdated Re	NOE/NOV to EDPR X dent achieved coegistration and Sea new delivery coefis ("NO") ("NO")	ended. P/Settlement Offer Impliance by submitting an elf-Certification Form and ertificate on December 16, 2021 Notice of Enforcement E"). Violation Statutory Limit	Subtotal Test	\$2,500 \$250 \$2,250

	Е	conomic	Benefit	Wor	ksheet		
		ogistics LLC dba F	Pilot Thomas Log	istics C	ard-Lock # 8622		
Case ID No.		/F					
Reg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
Violation Noi	_					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		11 11		1 0 00	+0	+0	+0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$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 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs	\$40	30-Jun-2021	16-Dec-2021	0.46	\$0 \$1	n/a	\$1
Other (as needed)	<u> </u>	30 Juli 2021	10 Dec 2021	0.00	\$0	n/a	\$0
Notes for DELAYED costs	and self-certi exp	fication form and to piration date of the	to obtain a valid e delivery certific	, curren cate, an	t TCEQ delivery ce d the Final Date is	operly completed U rtificate. The Date I the date of complia	Required is the ance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$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		\$40			TOTAL		\$1

	Screening Da	te 4-Nov-2021				2021-1446-PST-E			PCW
	Responde	ent Pilot Thomas L	ogistics LLC db	a Pilot Thomas	s Logistics	Card-Lock # 8622	Policy R	evision 5 (Ja	anuary 28, 2021)
	Case ID I						PCV	/ Revision Fo	ebruary 11, 2021
Reg.	Ent. Reference I	lo. RN102243185	(Facility No. 1))					
	Me	lia Petroleum Stor	age Tank						
	Enf. Coordina		-						
	Violation Num	ber 2						1	
	Rule Cite	(s) 30	Tex. Admin.	Code § 334.8(c)(4)(A)(vi	ii) and (c)(5)(B)(ii)			
					<i>/</i> (<i>/</i> (<i>/</i> (, (,,,,,,,			
						ficate by submitting			
	Violation Descript					m at least 30 days be			
		expiration	late. Specifical	lly, the delivery	/ certificate	e expired on June 30	, 2020.		
						_		'	+25.000
						Bas	e Penalty		\$25,000
>> Fnv	rironmental, Pro	nerty and Hun	nan Health	Matrix					
, , <u>_</u>	in online intary i re	perty and man	Harm	riderix					
	Rele	ase Major	Moderate	Minor					
OR	Ac	tual							
	Poter	itial				Percent 0.0%			
D						ı			
>>Prog	grammatic Matr Falsificat		Moderate	Minor					
	Faisiilcat	X	Moderate	MINO		Percent 10.0%			
		X				10.0%			
	Matrix	Less t	han 30% of the	e rule requiren	nent was n	not met			
	Notes	2000 (1011 30 70 01 011	e raie requiren	nene was n	100 111001			
					Adj	justment	\$22,500	I	
									10.500
									\$2,500
Violatio	on Events								
Violatic	on Events								
	Number	of Violation Events	2		492	Number of violation	days		
				. =		4	•		
		daily							
		weekly							
		monthly							15.000
		quarterly				Violation Bas	e Penalty		\$5,000
		semiannual							
		annual	X						
		single event							
	_								
	I wo an		commended from ertificate to the			piration date of the p	revious		
		delivery C	si tilicate to the	e November 4,	2021 3016	eriling date.			
	1.1 =44								1500
Good F	aith Efforts to C		10.0% Before NOE/NOV	NOE/NOV to EDF	DD /C attlanta		Reduction		\$500
		Extraordinary		NOE/NOV to EDF	rr/Settleme				
		Ordinary		X					
		N/A							
		IN/ A		dont achieved	compliance	e by submitting an			
			undated Regi		•	ation Form and was			
		Notes				ecember 16, 2021,			
			a	after the Octob	er 22, 202	1 NOE.			
						Violation	Subtotal		\$4,500
Fconon	nic Benefit (EB)	for this violati	on			Statutory Limit	Tost		
LCOHOR	inc Benefit (EB)	ior tilis violati	UII			Statutory Limit	. I est		
	Estir	nated EB Amount		\$0	•	Violation Final Pen	alty Total		\$4,000
									1, 22-
			This vio	iation Final A	ssessed F	Penalty (adjusted f	or limits)		\$4,000

	Е	conomic	Benefit	Woi	ksheet		
Respondent	Pilot Thomas I	ogistics LLC dba F	Pilot Thomas Lo	gistics C	ard-Lock # 8622		
Case ID No.	61529						
Reg. Ent. Reference No.	RN102243185	(Facility No. 1)					
Media	Petroleum Sto					Percent Interest	Years of
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	1 40	11/ 4	\$0
Notes for DELAYED costs Avoided Costs	ANNII	ALTZE avoided c			ded in Violation No	. 1	Leasts
	ANNO	ALIZE avoided C	osts belole el				
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0	\$0 \$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		<u>,, , , , , , , , , , , , , , , , , , ,</u>		<u>, </u>	-	Ţ	
Approx. Cost of Compliance		\$0		_	TOTAL		\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES Assigned 15-Nov-2021

PCW 16-Dec-2021 Screening 23-Nov-2021 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent
Reg. Ent. Ref. No.
Facility/Site Region

Respondent
Resp

CASE INFORMATION

Enf./Case ID No. 61529
Docket No. 2021-1446-PST-E
Media Program(s)
Multi-Media
Multi-Media

Admin. Penalty \$ Limit Minimum

Solution

No. of Violations
Corder Type
Movernment/Non-Profit
Enf. Coordinator
EC's Team

\$200

No. of Violations
Corder Type
Figure 1660

No. of Violations
Figure 1660

No. of

			Penalty (Calculat	tion Section	n		
TOTA	L BASE PENA	LTY (Sum of	violation bas	e penalt	ies)		Subtotal 1	\$7,500
AD1U	STMENTS (+	/-) TO SUBTO	ΤΔΙ 1				·	
ADJO	Subtotals 2-7 are of	otained by multiplying t	the Total Base Penalt					
	Compliance Hi	story		-10.0%	Adjustment	Subto	otals 2, 3, & 7	-\$750
	Notes	Re	duction for High	Performer	classification.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	pondent does no	t meet the	culpability crite	ria.		
	Good Faith Eff	ort to Comply To	tal Adjustment	:s			Subtotal 5	-\$750
							·	
	Economic Bend			0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts I Cost of Compliance	\$3 \$40	*Capped	l at the Total EB \$ A	Amount		
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$6,000
OTHE	D EACTORS /	AS JUSTICE MA	AV DECLITRE		0.0%		Adimeter	\$0
		Subtotal by the indica		L	0.0%		Adjustment	şυ
	Notes							
						Final Per	nalty Amount	\$6,000
STAT	UTORY LIMIT	T ADJUSTMEN	T			Final Asse	essed Penalty	\$6,000
DEFE	DDAI				0.00/	5 1		40
DEFE Reduces		enalty by the indicated	percentage.		0.0%	Reduction	Adjustment	\$0
	Notes		al not offered for	r non-expe	dited settlemen	t.		
ΡΔΥΛ	BLE PENALT	v						\$6,000
	DLL I LIIALI	•						45,000

Screening Date 23-Nov-2021

Docket No. 2021-1446-PST-E

PCW

Case ID No. 61529

Respondent Pilot Thomas Logistics LLC dba Pilot Thomas Logistics Card-Lock #

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102219433 (Facility No. 2)

Media Petroleum Storage Tank

Enf. Coordinator Sarah Smith

Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
3 3.	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%

>> 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%

		ening Date				et No. 2021-1446-PST-E		PCW
	R	Respondent	Pilot Thomas I	ogistics LLC db	oa Pilot Thomas	Logistics Card-Lock # 8612	Policy R	evision 5 (January 28, 2021)
		ase ID No.					PCW	V Revision February 11, 2021
Reg.	Ent. Ref	erence No.	RN102219433	(Facility No. 2)			
		Media	Petroleum Sto	rage Tank				
	Enf. C	Coordinator	Sarah Smith					
	Viola	ntion Number	1					
		Rule Cite(s)		'				
		Rule Cite(s)	30 Tex. Ad	min. Code § 33	34.8(c)(5)(A)(i)	and Tex. Water Code § 26	.3467(a)	
			Failed to n	nake available	to a common ca	rrier a valid, current TCEQ	delivery	
						ulated substance into the u		
	Violatio	n Description				elivery certificate expired o		
						ed between September 4,		
			Octob	er 3, 2021, wit	hout a valid, cu	rrent TCEQ delivery certific	ate.	
						Ba	se Penalty	\$25,000
							,	420,000
>> En	vironme	ntal, Propei	rty and Hur	nan Health	Matrix			
			_	Harm				
		Release	Major	Moderate	Minor			
OR		Actual				_	=	
		Potential				Percent 0.0%	6	
D								
>>Pro	gramma	tic Matrix	Maiau	Madayata	Minou			
		Falsification	Major	Moderate	Minor	D	,	
			X			Percent 10.0%	0	
	Matrix			2004 611 1				
	Notes		10	00% of the rule	e requirement v	as not met.		
						Adiustment	¢22 E00	
						Adjustment	\$22,500	
							F	+2 500
								\$2,500
								\$2,500
Violati	on Even	ts						\$2,500
Violati	on Even							\$2,500
Violati	on Even		/iolation Events	5 1		5 Number of violatio	n days	\$2,500
Violati	on Even			5 1		5 Number of violatio	n days	\$2,500
Violati	on Even		daily	5 1		5 Number of violatio	n days	\$2,500
Violati	on Even		daily weekly	5 1		5 Number of violatio	n days	\$2,500
Violati	on Even		daily weekly monthly	5 1				
Violati	on Even		daily weekly monthly quarterly	5 1		5 Number of violatio Violation Ba		\$2,500 \$2,500
Violati	on Even		daily weekly monthly quarterly semiannual	5 1				
Violati	on Even		daily weekly monthly quarterly semiannual annual					
Violati	on Even		daily weekly monthly quarterly semiannual	5 1 X				
Violati	on Even		daily weekly monthly quarterly semiannual annual					
Violati	on Even		daily weekly monthly quarterly semiannual annual	X	event is recomn	Violation Ba		
Violati	on Even		daily weekly monthly quarterly semiannual annual	X	event is recomn	Violation Ba		
		Number of V	daily weekly monthly quarterly semiannual annual single event	X	event is recomn	Violation Ba		
			daily weekly monthly quarterly semiannual annual single event	X One single 6		Violation Ba		
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single 6 10.0% Before NOE/NOV		Violation Ba	se Penalty	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single 6 10.0% Before NOE/NOV	NOE/NOV to EDPF	Violation Ba	se Penalty	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV		Violation Ba	se Penalty	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV	NOE/NOV to EDPF	Violation Ba	se Penalty	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single 6 10.0% Before NOE/NOV	NOE/NOV to EDPF	Violation Ba	Reduction	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single e 10.0% Before NOE/NOV The Respond	NOE/NOV to EDPR	Violation Ba	Reduction	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single e 10.0% Before NOE/NOV The Respond updated Re was issued as	NOE/NOV to EDPF X dent achieved cogistration and Sanew delivery contents.	Violation Bandended. P/Settlement Offer Compliance by submitting and celf-Certification Form and certificate on November 29,	Reduction	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV The Respond updated Re was issued as	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	Violation Bandended. P/Settlement Offer compliance by submitting and self-Certification Form and sertificate on November 29, oper 12, 2021 Notice of	Reduction	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV The Respond updated Re was issued as	NOE/NOV to EDPF X dent achieved cogistration and Sanew delivery contents.	Violation Bandended. P/Settlement Offer compliance by submitting and self-Certification Form and sertificate on November 29, oper 12, 2021 Notice of	Reduction	\$2,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV The Respond updated Re was issued as	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	Violation Bate P/Settlement Offer Settlement Offer Settlement Form and Self-Certification Form and Service on November 29, Decr 12, 2021 Notice of Sett ("NOE").	Reduction	\$2,500 \$250
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV The Respond updated Re was issued as	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	Violation Bate P/Settlement Offer Settlement Offer Settlement Form and Self-Certification Form and Service on November 29, Decr 12, 2021 Notice of Sett ("NOE").	Reduction	\$2,500
Good I	Faith Effo	Number of N	daily weekly monthly quarterly semiannual annual single event	The Respond updated Results issued a 2021, a	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	P/Settlement Offer ompliance by submitting an itelf-Certification Form and ertificate on November 29, over 12, 2021 Notice of it ("NOE").	Reduction	\$2,500 \$250
Good I	Faith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event	The Respond updated Results issued a 2021, a	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	Violation Bate P/Settlement Offer Settlement Offer Settlement Form and Self-Certification Form and Service on November 29, Decr 12, 2021 Notice of Sett ("NOE").	Reduction	\$2,500 \$250
Good I	Faith Effo	Number of Norts to Com	daily weekly monthly quarterly semiannual annual single event	X One single e 10.0% Before NOE/NOV The Respond updated Res was issued a 2021, a	NOE/NOV to EDPR X Jent achieved cogistration and Sanew delivery contents the Novem	P/Settlement Offer ompliance by submitting an itelf-Certification Form and ertificate on November 29, over 12, 2021 Notice of it ("NOE").	Reduction on Subtotal	\$2,500 \$250
Good I	Faith Effo	Number of Norts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	The Respond updated Res was issued a 2021, a	NOE/NOV to EDPF X dent achieved or gistration and S a new delivery of fter the Novem Enforcemen	P/Settlement Offer pompliance by submitting an itelf-Certification Form and ertificate on November 29, per 12, 2021 Notice of it ("NOE"). Violation Statutory Limits (Violation Power 12, 2021 Notice of Itele Power 12, 2021 Notice Itele Power 12, 2021 N	Reduction on Subtotal it Test nalty Total	\$2,500 \$250 \$2,250

	E	conomic	Benefit	Wor	ksheet		
		ogistics LLC dba I	Pilot Thomas Log	istics C	ard-Lock # 8612		
Case ID No. Reg. Ent. Reference No.							
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$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 Permit Costs	\$40	30-Jun-2020	29-Nov-2021	0.00	\$0	n/a	\$0
Other (as needed)	\$40	30-Juli-2020	29-INOV-2021	0.00	\$3 \$0	n/a n/a	\$3 \$0
Notes for DELAYED costs	and self-certi exp	fication form and biration date of the	to obtain a valid e delivery certific	curren cate, an	t TCEQ delivery ce d the Final Date is	operly completed U ertificate. The Date I the date of complia	Required is the ince.
Avoided Costs	ANNU	ALIZE avoided o	osts before en		<u> </u>	one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$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		\$40			TOTAL		\$3

	Screening Date	23-Nov-2021	Docket No. 2021-1446-PST-E		PCW
	Respondent	Pilot Thomas Logistics LLC d	ba Pilot Thomas Logistics Card-Lock # 8612	Policy R	Revision 5 (January 28, 2021)
	Case ID No.	61529		PCV	V Revision February 11, 2021
Reg.	Ent. Reference No.	RN102219433 (Facility No. 2	2)		
	Media	Petroleum Storage Tank			
	Enf. Coordinator				
	Violation Number				1
	Rule Cite(s)	30 Tex. Admin.	Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)		
	Violation Description	completed UST registration	issued UST delivery certificate by submitting and self-certification form at least 30 days be ally, the delivery certificate expired on June 30	efore the	\$25,000
				,	, ,,,,,,,,
>> En	vironmental, Prope	rty and Human Health Harm	Matrix		
	Release	Major Moderate	Minor		
OR	Actual				
	Potential		Percent 0.0%		
> > D##	arammatic Matrix				
>>P10	grammatic Matrix Falsification	Major Moderate	Minor		
		X	Percent 10.0%		
		1			
	Matrix				
	Notes	100% of the ru	le requirement was not met.		
			Adjustment	\$22,500	
			rajuoinen	422/000	
					\$2,500
Violati	on Events				
	Number of \	Violation Events 2	511 Number of violation	days	
		daily	1		
		weekly			
		monthly			
		quarterly	Violation Bas	e Penalty	\$5,000
		semiannual			
		annual X			
		single event	<u> </u>		
	Two appus	l avanta ara racammandad fr	som the lune 20, 2020 expiration date of the d	lalivam,	
	Two allitua		om the June 30, 2020 expiration date of the diverse control of the d	ielivel y	
			- · · · · · · · · · · · · · · · · · · ·		
Good I	Faith Efforts to Com	ply 10.0%		Reduction	\$500
		Before NOE/NOV			
		Extraordinary			
		Ordinary	X		
		N/A	<u> </u>	Ī	
		The Respor	ndent achieved compliance by submitting an		
			istration and Self-Certification Form and was		
		issued a nev	v delivery certificate on November 29, 2021, fter the November 12, 2021 NOE.		
		a	TEL TIC NOVEMBER 12, 2021 NOL.		
				. C	±4 F00
			violation	Subtotal	\$4,500
Econo	mic Benefit (EB) for	this violation	Statutory Limit	t Test	
	Estimat	ed EB Amount	\$0 Violation Final Pen	alty Total	\$4,000
				-	
		This vic	lation Final Assessed Penalty (adjusted f	or limits)	\$4,000

	Е	conomic	Benefit	Woı	rksheet		
Respondent	Pilot Thomas I	ogistics LLC dba F	Pilot Thomas Lo	aistics C	ard-Lock # 8612		
Case ID No.		5		J			
Reg. Ent. Reference No.		(Facility No. 2)					
							V
Media Violation No.	Petroleum Sto 2	rage rank				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		2400 1104411104					
Item Description							
Delayed Costs							
Equipment		1		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	ANNU	ALIZE avoided c			ded in Violation No	. 1	l costs)
Disposal		1		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		\$0			TOTAL		\$0

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 CN604019786, RN102243185, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN604019786, Pilot Thomas Logistics LLC Classification: HIGH Rating: 0.09

or Owner/Operator:

Regulated Entity: RN102243185, Pilot Thomas Logistics Card-Lock # 8622 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

Location: 2410 West Wall Street, Midland, Midland County, Texas 79701 6316

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION LEAKING PETROLEUM STORAGE TANKS REMEDIATION

REGISTRATION 7750 ID NUMBER 119555

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

Date Compliance History Report Prepared: March 29, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 29, 2017 to March 29, 2022

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

Name: Sarah Smith **Phone:** (512) 239-4495

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 October 23, 2018 (1524335)

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:

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 CN604019786, RN102219433, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN604019786, Pilot Thomas Logistics LLC Classification: HIGH Rating: 0.09

or Owner/Operator:

Regulated Entity: RN102219433, Pilot Thomas Logistics Card-Lock # 8612 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

Location: 803 Hobbs Highway, Seminole, Gaines County, Texas 79360

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 46209

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

Date Compliance History Report Prepared: March 29, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 29, 2017 to March 29, 2022

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

Name: Sarah Smith **Phone:** (512) 239-4495

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 18, 2018 (1455746) Item 2 November 27, 2018 (1531051)

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/Z

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT	§	BEFORE THE
ACTION CONCERNING	§	
PILOT THOMAS LOGISTICS LLC DBA	§	
PILOT THOMAS LOGISTICS CARD-LOCK	§	TEXAS COMMISSION ON
# 8622 AND PILOT THOMAS LOGISTICS	§	
CARD-LOCK # 8612;	§	
RN102243185 AND RN102219433	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1446-PST-E

I. JURISDICTION AND STIPULATIONS

- 1. Respondent owns and operates, as defined in 30 Tex. Admin. Code § 334.2(78) and (75), two underground storage tanks ("UST") systems and fleet refueling facilities with retail sales of gasoline located at:
 - a. 2410 West Wall Street in Midland, Midland County, Texas (Facility ID No. 7750) ("Facility No. 1") (RN102243185); and
 - b. 803 Hobbs Highway in Seminole, Gaines County, Texas (Facility ID No. 46209) ("Facility No. 2") (RN102219433).

The USTs 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 TCEO.

- 2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$12,000 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$12,000 of the penalty.
- 5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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.

Pilot Thomas Logistics LLC dba Pilot Thomas Logistics Card-Lock # 8622 and Pilot Thomas Logistics Card-Lock # 8612

Docket No. 2021-1446-PST-E

Page 2

- 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that Respondent submitted a properly completed UST registration and self-certification form and was issued a valid, current TCEQ delivery certificate for Facility No. 1 on December 16, 2021, and for Facility No. 2 on November 29, 2021.

II. ALLEGATIONS

- 1. During an investigation at Facility No. 1, conducted on September 22, 2021, an investigator documented that Respondent:
 - a. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of Tex. Water Code § 26.3467(a) and 30 Tex. Admin. Code § 334.8(c)(5)(A)(i). Specifically, the delivery certificate expired on June 30, 2020, and at least one fuel delivery was received on February 4, 2021, without a valid, current TCEQ delivery certificate; and
 - b. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the delivery certificate expired on June 30, 2020.
- 2. During an investigation at Facility No. 2, conducted on October 20, 2021, an investigator documented that Respondent:
 - a. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of Tex. Water Code § 26.3467(a) and 30 Tex. Admin. Code § 334.8(c)(5)(A)(i). Specifically, the delivery certificate expired on June 30, 2020, and five fuel deliveries were received between September 4, 2021, and October 3, 2021, without a valid, current TCEQ delivery certificate; and
 - b. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the delivery certificate expired on June 30, 2020.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

Pilot Thomas Logistics LLC dba Pilot Thomas Logistics Card-Lock # 8622 and Pilot Thomas Logistics Card-Lock # 8612 Docket No. 2021-1446-PST-E Page 3

- 1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions or penalties for violations which are not raised here.
- 2. All relief not expressly granted in this Order is denied.
- 3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
- 4. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
- This Order may be executed in separate and multiple counterparts, which together shall 5. 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.
- 6. 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.

Pilot Thomas Logistics LLC dba Pilot Thomas Logistics Card-Lock # 8622 and Pilot Thomas Logistics Card-Lock # 8612 Docket No. 2021-1446-PST-E Page 4

	SIGNATURE PAGE	
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY		
For the Commission	Dete	
ror the commission	Date	
Frent. Chanall		
For the Executive Directo	or Date	
attached Order, and I do	read and understand the attached Order. I am authorized to agree to the agree to the terms and conditions specified therein. I further acknowledge pting payment for the penalty amount, is materially relying on such	
I also understand that fa timely pay the penalty ar	ilure to comply with the Ordering Provisions in this Order and/or failure to nount may result in:	
 A negative impact on 	compliance history;	
 Greater scrutiny of an 	ny permit applications;	
 Referral of this case to penalties, and/or atto 	to the Attorney General's office for contempt, injunctive relief, additional orney fees, or to a collection agency;	
 Increased penalties in 	n any future enforcement actions;	
 Automatic referral to 	the Attorney General's office of any future enforcement actions; and	
 TCEQ seeking other r 	elief as authorized by law.	
In addition, I understand criminal prosecution.	that any falsification of any compliance documents may result in	
Signature - David P. Dods Pilot Thomas Logistics LI 201 North Rupert Street	LC .	
Fort Worth, Texas 76107- If mailing address has	s changed, please check this box and provide the new address below:	
1051 Mustang Do 70 Box 2136,	brazevine, TX 76099	