Executive Summary – Enforcement Matter – Case No. 61874 P AND S 2016 INC dba Nome Mart RN103046041 Docket No. 2022-0144-PST-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: PST **Small Business:** No Location(s) Where Violation(s) Occurred: Nome Mart, 2323 U.S. Highway 90 East, Nome, Jefferson County **Type of Operation:** Underground storage tank ("UST") system and a convenience store with retail sales of gasoline **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: September 9, 2022 Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,875 Amount Deferred for Expedited Settlement: \$1,575 Total Paid to General Revenue: \$175 Total Due to General Revenue: \$6,125 Payment Plan: 35 payments of \$175 each Compliance History Classifications: Person/CN - High Site/RN - High Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: November 10, 2021 Date(s) of NOE(s): December 15, 2021

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Violation Information

1. Failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].

2. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial testing of the corrosion protection system expired on October 12, 2019 [30 Tex. ADMIN. CODE § 334.49(c)(4)(C) and Tex. WATER CODE § 26.3475(d)].

3. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Specifically, the Respondent had not conducted the triennial testing of the spill buckets by the January 1, 2021 testing due date [30 Tex. ADMIN. CODE § 334.48(g)(1)(A)(ii) and Tex. WATER CODE § 26.3475(c)(2)].

4. Failed to inspect the overfill prevention equipment at least once every three years. Specifically, the Respondent had not conducted the triennial inspection of the ball floats by the January 1, 2021 inspection due date [30 Tex. ADMIN. CODE § 334.48(g)(1)(B) and Tex. WATER CODE § 26.3475(c)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Implement a release detection method for the USTs;

ii. Conduct the triennial testing of the corrosion protection system for the UST system;

iii. Conduct the triennial testing of the UST system's spill buckets; and

iv. Conduct the triennial inspection of the UST system's ball floats.

b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Ken Moller, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-6111; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Muhammad Saeed, President, P AND S 2016 INC, 13768 U.S. Highway 90 East, Raywood, Texas 77582 Respondent's Attorney: N/A

NS COMMISSING	Policy Revi	Pe ision 5 (January 28, 2	•	alculatio	n Worksh	neet (PC		vision February 11, 2021
DATES		3-Jan-2022	Saraaning	21 Jan 2022	EPA Due			
		25-Apr-2022		31-Jan-2022				
RESPO		TY INFORMATI		Mart				
	g. Ent. Ref. No.	RN103046041						
Facili	ty/Site Region	10-Beaumont			Major/M	linor Source	Minor	
CASE I	NFORMATION							
En	f./Case ID No.		<u> </u>		No. c	of Violations		
Med		2022-0144-PST- Petroleum Stora			Government	Order Type /Non-Profit		
	Multi-Media					Coordinator	Ken Moller	
٨du	min. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000	EC's Team	Enforcement T	eam 3
			ΨŪ.		<i>423,000</i>			
			Penalt	y Calcula	tion Section	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation b	base penalt	ties)		Subtotal 1	\$8,750
	STMENTS (+	/-) TO SUBTO	ται 1					
	Subtotals 2-7 are ob	tained by multiplying	, the Total Base Po) by the indicated p			
	Compliance Hi	story		-10.0%	Adjustment	Subto	tals 2, 3, & 7	-\$875
	Notes	R	eduction for H	igh Performer	classification.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent does	s not meet the	culpability crite	eria.		
	Good Faith Effe	ort to Comply T	otal Adjustm	ents			Subtotal 5	\$0
	Economic Bene	-fit		0.00/-	Enhancement*		Subtotal 6	\$0
		Total EB Amounts	\$172		d at the Total EB \$ A	Amount	Subtotal	" ••
	Estimated	Cost of Compliance	\$2,250					
SUM (OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$7,875
OTHE				DE	0.00/		A	
		Subtotal by the indic		KE	0.0%		Adjustment	\$0
	Notes							
						Final Pen	alty Amount	\$7,875
CT A TI								+7.075
SIAI						Final Asse	ssed Penalty	\$7,875
DEFER	RRAL				20.0%	Reduction	Adjustment	-\$1,575
Reduces t	he Final Assessed Pe	nalty by the indicated	d percentage.				1	
	Notes	I	Deferral offere	d for expedited	d settlement.			
ΡΔΥΔ	BLE PENALT	(\$6,300
IAIA								φ 0,500

	Ding Date31-Jan-2022Docket No.2022-0144-PST-EspondentP AND S 2016 INC dba Nome Mart	D-11- D		
	se ID No. 61874		ision 5 (January 2	
	rence No. RN103046041	PCW R	evision February	11,
key. Ent. Kerei				
Enf Co	Media Petroleum Storage Tank ordinator Ken Moller			
	Compliance History Worksheet			
Compliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
component	Written notices of violation ("NOVs") with same or similar violations as those in the	Humber		
NOVs	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 (<i>number of orders meeting criteria</i>)	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 and Consent	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%	
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 (<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 (number of audits for which notices were submitted)	0	0%	
hadde	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%	
	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 (Sul	btotal 2)	09
Repeat Violator				
No	Adjustment Per	centage (Sul	ototal 3)	0%
Compliance Hist	ory Person Classification (Subtotal 7)			
High Per	former Adjustment Per	centage (Sul	ototal 7) 🔄	-10
Compliance Hist	ory Summary			
Compliance History Notes	Reduction for High Performer classification.			
	Total Compliance History Adjustment Percentage (S	Subtotals 2.	_ 3, & 7) [-10
inal Compliance	History Adjustment			
	Final Adjustment Percenta	age *capped	at 100%	-10

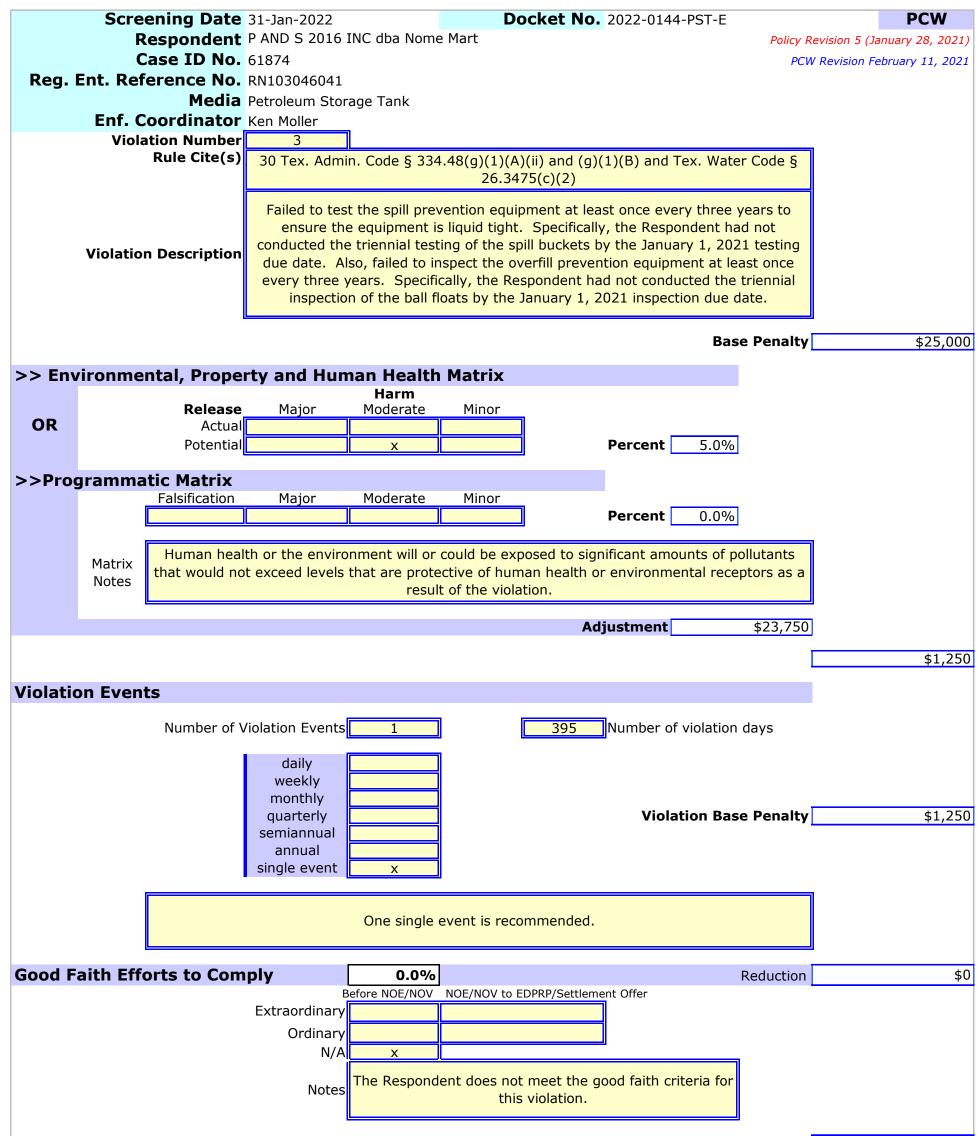
		ate 31-Jan-2022	Docket No. 2022-0144-PST-E		PCW
	•	ent P AND S 2016 INC dba No. 61874	Nome Mart		Revision 5 (January 28, 2021)
Rea.	Ent. Reference			PCV	<i>W Revision February 11, 2021</i>
		edia Petroleum Storage Tank			
	Enf. Coordin				
	Violation Nu				
	Rule Ci	e(s) 30 Tex. Admin. Code	§ 334.50(b)(1)(A) and Tex. Water Code § 26.34	75(c)(1)	
	Violation Descri		underground storage tank ("UST") in a manner w ase at a frequency of at least once every 30 days.		
			Bas	se Penalty	\$25,000
>> Env	vironmental, Pr	perty and Human Hea			
	Re	Harr ease Major Moder			
OR		ctual		,	
	Pot	ential x	Percent 15.0%	l	
>>Prog	grammatic Mat				
	Falsifica	tion Major Moder	ate Minor Percent 0.0%	1	
			or could be exposed to pollutants that would exc h or environmental receptors as a result of the vic		
			Adjustment	\$21,250	
			Aujustinent	<u>\</u>	+2 750
				L	\$3,750
Violatio	on Events				
	Numb	r of Violation Events	82 Number of violation	days	
		daily weekly monthly			
		quarterly <u>x</u> semiannual	Violation Bas	e Penalty	\$3,750
		annual			
		single event			
	One		ed from the November 10, 2021 investigation date ry 31, 2022 screening date.	e to the	
Good F	aith Efforts to (comply 0	.0%	Reduction	\$0
		Before NOE Extraordinary	NOV NOE/NOV to EDPRP/Settlement Offer		
		Ordinary			
				a	
		Notes The Res	pondent does not meet the good faith criteria for this violation.		
			Violation	n Subtotal	\$3,750
Econon	nic Benefit (EB)	for this violation	Statutory Limit	: Test	
	Est	imated EB Amount	\$73 Violation Final Pen	alty Total	\$3,375
		Thic	violation Final Assessed Penalty (adjusted		\$3,375
		1113			<i>ر رو</i> پ

	E	conomic	Benefit	Woi	rksheet		
Respondent	P AND S 2016	INC dba Nome M	art				
Case ID No.	61874						
Reg. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		lage lant				Percent Interest	Depreciation
	1					5.0	-
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	l			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	\$1,500	10-Nov-2021	30-Oct-2022	0.97	\$73	n/a	\$73
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	requi	red is the investig	ation date, and	the Fin	al Date is the estir	ne USTs at the Facil nated date of comp	liance.
Avoided Costs			osts before en		· · · · · ·	one-time avoide	-
Disposal Personnel				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	<u> </u>
Supplies/Equipment				0.00	\$0	\$0	<u> </u>
Financial Assurance				0.00	\$0	\$0 \$0	<u>\$0</u>
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
	<u> </u>						

Reg. Ent. Reference No. RN10304641 Media Petraleum Storage Tank Enf. Coordinator Ken Moler Violation Number Rule Cite(s) So Tex. Admin. Code § 334.49(c)(4)(C) and Tex. Water Code § 26.3475(d) Failed to inspect and test the corrosion protection system for operability and odequacy of protection at a frequency of at least once every three years. Specifically, the triennal testing of the corrosion protection system expired on October 12, 2019. >> Environmental, Property and Human Health Matrix Harm OR Release Major Moderate Marm Percent Totalitation Major Metrix Harm OR Release Major Moderate Marm Percent Totalitation Major Notes Human health or environment will or could be exposed to politicatis that would exceed levels Notes Hume health or the environment and exports as a result of the violation. Violation Events S3.750 Violation Events B42 Number of Violation Events B42 Serial annual s Single event s Violation Ba		Scre	ening Date	31-Jan-2022		Do	cket No. 2022-0144	1-PST-E		PCW	
Reg. Ent. Reference No. RN10304641 Media Pertoleum Storage Tank Enf. Coordinator Ken Holler Violation Number Rule Cite(s) D Tex. Admin. Code § 334.49(c)(4)(C) and Tex. Water Code § 26.3475(d) Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennal testing of the corrosion protection system expired on October 12, 2019. >> Environmental, Property and Human Health Matrix Harm OR Release Madria Moor Percent 15.0% >> Programmatic Matrix Harm Violation Major Moderate Matrix Human health or the environment will or could be exposed to pollutants that would exceed levels Notes Human health or environmental receptors as a result of the violation. Violation Events 33.750 Violation Events 1 842 Notes Under Note Note Note Note Note Note Note Note		R	espondent	P AND S 2016 IN	NC dba Nome M	lart		Policy I	Revision 5 (J	anuary 28, 2021)	
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monthly working											
semiannual annual single event				monthly							
annual single event x One single event is recommended. Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary							Viola	tion Base Penalty	/	\$3,750	
Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer \$0 Cordinary											
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Extraordinary Ordinary Ordinary N/A x Notes The Respondent does not meet the good faith criteria for this violation.	GOOG F					OE/NOV to El	OPRP/Settlement Offer	Reduction		پ ۵	
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Notes The Respondent does not meet the good faith criteria for this violation.				Ordinary							
this violation.				N/A	x						
this violation.				Nata	The Responden	t does not	meet the good faith cr	iteria for			
Violation Subtotal \$3,750				inotes							
Violation Subtotal \$3,750				L							
								Violation Subtotal		\$3,750	

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$76 Violation Final Penalty Total	\$3,375
	This violation Final Assessed Penalty (adjusted for limits)	\$3,375

	E	conomic	Benefit	Wor	'ksheet		
Respondent		INC dba Nome M	lart				
Case ID No.							
Reg. Ent. Reference No. Media	Petroleum Sto					Percent Interest	Years of
Violation No.	2	-				Percent Interest	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 (Consuling				0.00	\$0	n/a	\$0
Training/Sampling					40	n/n	4 A
Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs	¢500	12 Oct 2010	20 Oct 2022	0.00	\$0	n/a	\$0
Remediation/Disposal	\$500 Estimated o	12-Oct-2019	30-Oct-2022	0.00 3.05	\$0 \$76		\$0 \$76
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	0.00 3.05 ial testi date of d date o	\$0 \$76 ng of the corrosion the prior testing ro of compliance.	n/a n/a n protection system esults, and the Fina	\$0 \$76 for the UST I Date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	0.00 3.05 ial testi date of d date of tering	\$0 \$76 Ing of the corrosion the prior testing r of compliance. item (except for	n/a n/a n protection system esults, and the Fina one-time avoided	\$0 \$76 for the UST I Date is the d costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	ial testi date of d date of tering 0.00	\$0 \$76 Ing of the corrosion the prior testing roof compliance. item (except for \$0	n/a n/a n protection system esults, and the Fina one-time avoided \$0	\$0 \$76 for the UST I Date is the d costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	ial testi date of d date of tering 0.00 0.00	\$0 \$76 Ing of the corrosion the prior testing ro of compliance. item (except for \$0 \$0	n/a n/a n/a n protection system esults, and the Fina one-time avoided \$0 \$0	\$0 \$76 for the UST I Date is the d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	0.00 3.05 date of d date of d date of tering 0.00 0.00 0.00	\$0 \$76 Ing of the corrosion the prior testing ro of compliance. item (except for \$0 \$0 \$0	n/a n/a n protection system esults, and the Fina one-time avoided \$0 \$0 \$0 \$0	\$0 \$76 for the UST I Date is the d costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	0.00 3.05 date of d date of d date of tering 0.00 0.00 0.00 0.00	\$0 \$76 ng of the corrosion the prior testing ro of compliance. item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n protection system esults, and the Fina solution solution \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$76 for the UST I Date is the d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated of system. The	delayed cost to co e Date Required i	onduct the trienr s the expiration estimate	0.00 3.05 date of d date of d date of d date of 0.00 0.00 0.00 0.00 0.00	\$0 \$76 ng of the corrosion the prior testing roof compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a	\$0 \$76 for the UST I Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0
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	Violation Subtotal \$1,250
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$23 Violation Final Penalty Total \$1,125
	This violation Final Assessed Penalty (adjusted for limits) \$1,125

		conomic	Benefit	Wor	ksheet		
		INC dba Nome M	lart				
Case ID No.							
Reg. Ent. Reference No.	RN103046041						
Media	Petroleum Sto	orage Tank				Percent Interest	Years of
Violation No.	3					reitent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	Item cost	Date Required	That Date	115	Interest Saved	costs Saveu	ED Amount
Item Description							
Delawed Cente							
Delayed Costs		<u> </u>			#0		±0
Equipment				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	\$0 \$0
Buildings				0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed) 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
riannig/Samping	-			0.00	\$0	n/a	\$0
				0.00	J U	11/a	μ υ
Remediation/Disposal	¢200	1_lan_2021	30-0ct-2022				¢18
				1.83 1.83	\$18 \$5 ection of the UST s	n/a n/a	• · · · · · · · · · · · · · · · · · · ·
Remediation/Disposal Other (as needed)	\$50 Estimated of floats at \$10	delayed cost to co 0 per ball float) an at \$25 per spill bu	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date	1.83 1.83 iial inspe e trienn es Requi	\$18 \$5 ection of the UST s ial testing of the U	n/a n/a system's ball floats JST system's spill b tion and testing du	\$5 (\$200, 2 ball uckets (\$50, 2
Remediation/Disposal Other (as needed) Other (as needed)	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 e trienn es Requi e estima	\$18 \$5 ection of the UST s ial testing of the U red are the inspec ited date of compli	n/a n/a system's ball floats JST system's spill b tion and testing du	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the
Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 e trienn es Requi e estima	\$18 \$5 ection of the UST s ial testing of the U red are the inspec ited date of compli	n/a n/a system's ball floats JST system's spill b tion and testing du- iance.	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the
Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs Avoided Costs	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 ial inspe e trienn s Requi e estima tering 0.00 0.00	\$18 \$5 ection of the UST s ial testing of the U red are the inspec ited date of compli- item (except for \$0 \$0	n/a n/a system's ball floats JST system's spill b tion and testing du jance. one-time avoide \$0 \$0	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the d costs) \$0 \$0
Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 1.83 ial inspective e triennes Requi e estimation tering 0.00 0.00 0.00 0.00	\$18 \$5 ection of the UST s ial testing of the U red are the inspec ited date of compli- item (except for \$0 \$0 \$0 \$0	n/a n/a system's ball floats JST system's spill b tion and testing du- iance. one-time avoide \$0 \$0 \$0	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the d costs) \$0 \$0 \$0
Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 ial inspe e trienn s Requi e estima tering 0.00 0.00	\$18 \$5 ection of the UST s ial testing of the U red are the inspec ited date of compli- item (except for \$0 \$0	n/a n/a system's ball floats JST system's spill b tion and testing du jance. one-time avoide \$0 \$0	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the d costs) \$0 \$0
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Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 e trienn s Requi e estima tering 0.00 0.00 0.00 0.00	\$18 \$5 ection of the UST s ial testing of the U red are the inspec- ited date of compli- item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a system's ball floats JST system's spill b tion and testing during ance. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Other (as needed) Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	\$50 Estimated of floats at \$10 spill buckets a	delayed cost to co 0 per ball float) au at \$25 per spill bu Fir	<u>30-Oct-2022</u> anduct the trienr nd to conduct th cket). The Date nal Dates are the	1.83 1.83 e trienn s Requi e estima tering 0.00 0.00 0.00 0.00 0.00	\$18 \$5 ection of the UST s ial testing of the U red are the inspec- ited date of compli- item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a system's ball floats JST system's spill b tion and testing during iance. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$5 (\$200, 2 ball uckets (\$50, 2 e date, and the d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$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 CN605638220, RN103046041, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605638220, P AND S 2016 I	NC Classification: HIGH	Rating: 0.00
Regulated Entity:	RN103046041, Nome Mart	Classification: HIGH	Rating: 0.00
Complexity Points:	2	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	2323 United States Highway 90) East in Nome, Jefferson County, Texas	
TCEQ Region:	REGION 10 - BEAUMONT		
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 3907	K REGISTRATION		
Compliance History Peri	od: September 01, 2016 to Aug	gust 31, 2021 Rating Year: 2021	Rating Date: 09/01/2021
Date Compliance History	Report Prepared: April 2	6, 2022	_
Agency Decision Requiri	ng Compliance History:	Enforcement	
Component Period Selec	ted: April 26, 2017 to April 26	5, 2022	
TCEQ Staff Member to Co	ontact for Additional Infor	mation Regarding This Compliance	e History.
Name: Ken Moller		Phone: (512) 239-6	6111
Site and Owner/Opera	ator History:		
1) Has the site been in existen	ce and/or operation for the full f	ive year compliance period?	YES
, , , ,	5	the site during the compliance period?	YES
3) Who is the current owner/og4) Who was/were the prior ow	ner(s)/operator(s)? NIZ	.6 Inc OWNER OPERATOR since 12/15/2018 ZAMANI, MUHAMMAD L, OWNER OPERATOF amani Matli, LLC, OPERATOR, 12/15/2016	R, 12/12/2015 to 12/14/2018
Components (Multime	dia) for the Site Are Lis	sted in Sections A - J	

- A. Final Orders, court judgments, and consent decrees: N/A
- **B.** Criminal convictions:

N/A

- C. Chronic excessive emissions events: N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.): N/A
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

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

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $_{\mbox{N/A}}$
- 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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING P AND S 2016 INC DBA NOME MART RN103046041 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0144-PST-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding P AND S 2016 INC dba Nome Mart (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 2323 United States Highway 90 East in Nome, Jefferson County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$7,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$175 of the penalty and \$1,575 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$6,125 of the undeferred penalty shall be paid in 35 monthly payments of \$175 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted on November 10, 2021, an investigator documented that the Respondent:

- 1. 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 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1).
- 2. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 Tex. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d). Specifically, the triennial testing of the corrosion protection system expired on October 12, 2019.
- 3. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial testing of the spill buckets by the January 1, 2021 testing due date.
- 4. Failed to inspect the overfill prevention equipment at least once every three years, in violation of 30 Tex. ADMIN. CODE § 334.48(g)(1)(B) and Tex. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial inspection of the ball floats by the January 1, 2021 inspection due date.

P AND S 2016 INC dba Nome Mart DOCKET NO. 2022-0144-PST-E Page 3

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: P AND S 2016 INC dba Nome Mart, Docket No. 2022-0144-PST-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement a release detection method for the USTs at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50;
 - ii. Conduct the triennial testing of the corrosion protection system for the UST system, in accordance with 30 Tex. ADMIN. CODE § 334.49;
 - iii. Conduct the triennial testing of the UST system's spill buckets, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - iv. Conduct the triennial inspection of the UST system's ball floats, in accordance with 30 TEX. ADMIN. CODE § 334.48.
 - Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No.
 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

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

with a copy to:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate

reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Com	mission
1	,
(In F.	
For the Exec	tive Director

Date				

10/24/2022 Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

MUHAMMAD

Name (Printed or typed) Authorized Representative of P AND S 2016 INC dba Nome Mart **7/25/2022** Date

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.