Executive Summary - Enforcement Matter - Case No. 62107 ALINA FOOD MART INC RN101445013 Docket No. 2022-0341-PST-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: PST **Small Business:** Yes Location(s) Where Violation(s) Occurred: Alina Food Mart, 4151 Pleasanton Road, San Antonio, Bexar 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 30, 2022 Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,244 Amount Deferred for Expedited Settlement: \$1,848 Total Paid to General Revenue: \$7,396 Total Due to General Revenue: \$0 Payment Plan: N/A 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: January 11, 2022 Date(s) of NOE(s): February 17, 2022

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Violation Information

1. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests [30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. WATER CODE § 26.3475(a)].

2. Failed to provide corrosion protection for the UST system [30 Tex. ADMIN. CODE § 334.49(a)(1) and Tex. WATER CODE § 26.3475(d)].

3. Failed to assure that all UST recordkeeping requirements are met. Specifically, financial assurance and tank release detection records were not available for inspection at the time of the investigation [30 TEX. ADMIN. CODE § 334.10(b)(2)].

4. Failed to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel. Specifically, Class A and B operator training records were not available for review [30 Tex. ADMIN. CODE § 334.606].

5. Failed to designate, train, and certify at least one named individual for each class of operator – Class A, Class B, and Class C for the Facility. Specifically, the Facility did not have a Class C operator [30 Tex. ADMIN. CODE § 334.602(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. Conducted the annual line leak detector and piping tightness tests on May 2, 2022, with passing results;

b. Installed and tested a new corrosion protection system on March 22, 2022; and

c. Submitted financial assurance and tank release detection records on April 27, 2022.

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, begin maintaining UST records, including, but not limited to, Class A and B Operator training certification records on-site and make them immediately available for inspection upon request by agency personnel;

b. Within 30 days, designate, train, and certify at least one named individual as a Class C operator for the Facility; and

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

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2536; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Jagdish Ram, President, ALINA FOOD MART INC, 4151 Pleasanton Road, San Antonio, Texas 78221-3546 Respondent's Attorney: N/A

S COMMISSION STREET	Policy Revi	Pe sion 5 (January 28, 2		alculation	n Worksh	neet (PC		vision February 11, 2021
DATES	Assigned PCW	22-Feb-2022 18-Jul-2022	Screening	15-Mar-2022	EPA Due			
Reg	NDENT/FACILI Respondent g. Ent. Ref. No. ty/Site Region	ALINA FOOD MA RN101445013			Major/M	linor Source	Minor	
	NFORMATION							
	f./Case ID No.				No. c	of Violations		
Med	Docket No. lia Program(s)	2022-0341-PST-			Government	Order Type		
hee	Multi-Media		gerunk			Coordinator	Karolyn Kent	
Adr	nin. Penalty \$ I	Limit Minimum	\$0 I	Maximum	\$25,000	EC's Team	Enforcement T	eam 6
			Penalt	y Calculat	tion Section	on		
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation b	, base penalt	ies)		Subtotal 1	\$11,000
ADJUS	STMENTS (+)	/-) TO SUBTO	OTAL 1					
	Subtotals 2-7 are ob	tained by multiplying						<u></u>
	Compliance His	STOFY		-10.0%	Adjustment	Subto	tals 2, 3, & 7	-\$1,100
	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	-\$775
	Economic Bene				Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$205 \$6,381	*Capped	l at the Total EB \$ A	Amount		
SUM C	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$9,125
	R FACTORS A			RE	1.3%		Adjustment	\$119
Reduces o	or enhances the Final Notes	Enhancement to	capture the a	voided cost of iolation No. 1.	compliance ass	sociated with		
						Final Pen	alty Amount	\$9,244
STATU	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$9,244
DEFER					20.0%	Reduction	Adjustment	-\$1,848
Reduces t	he Final Assessed Pe	nalty by the indicated	d percentage.]	
	Notes	I	Deferral offere	d for expedited	l settlement.			
ΡΑΥΑ	BLE PENALT	(\$7,396

S	Screen	ing Date	15-Mar-2022	Docket No. 2022-0341-PST-E			PCW	
	Respondent ALINA FOOD MART INC Policy Revision 5 (January 28, 20)						ry 28, 2021	
Case ID No. 62107 PCW Revision February 11, 20						ry 11, 202		
Reg. Ent.	Refere	ence No.	RN101445013					
	_		Petroleum Stora	age Tank				
Er	nf. Coo	rdinator	Karolyn Kent					
			Co	mpliance History Worksheet				
			hancement (Su	ubtotal 2)				
Compo		Number of		Number	Adjust.			
NC)Vs	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 writte		ant and an antrining a denial of liability (another	0	0%		
			ting criteria)	ent orders containing a denial of liability (<i>number</i>	0	0%		
Orc		a denial of	liability, or defa	cement orders, agreed final enforcement orders with ault orders of this state or the federal government, ency orders issued by the commission		0%		
Judgr and C	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 0 0% consent decrees meeting criteria)							
	rees	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 0 0% or the federal government						
Convi	CTIONS	Any crimin <i>counts</i>)	al convictions o	of this state or the federal government (<i>number</i>	of 0	0%		
Emis	sions	Chronic exc	essive emissions	s events (<i>number of events</i>)	0	0%		
Au		Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted)						
				der the Texas Environmental, Health, and Safety Auure, 1995 (<i>number of audits for which violations w</i> a		0%		
		Environmer	ntal managemen	t systems in place for one year or more	No	0%		
Ot			on-site compliar ecial assistance p	nce assessments conducted by the executive directory of the executive directory of the second s	ctor No	0%		
				pollution reduction program	No	0%		
			liance with, or t environmental	offer of a product that meets future state or federequirements	eral No	0%		
	_			Adjustment	Percentage (Su	btotal 2) [0%	
> Repeat Vi		Subtotal 3)	Adiustus ant	Porcontago (Su	htotal 2)	00/	
	No			-	Percentage (Su	biotal 3)	0%	
> Complian	ce Histo	ry Person	Classification ((Subtotal 7)				
	igh Perfo			Adjustment	Percentage (Su	btotal 7) [-10%	
> Complian	ce Histo	ory Summa	ry					
His	liance tory tes			Reduction for High Performer classification.				
	linner	lieterre A.d.		mpliance History Adjustment Percentag	e (Subtotals 2,	, 3, & 7)	-10%	
Final Comp		nstory Adj	ustinelli	Final Adjustment Perce	entage *canned	l at 100%	-10%	
				·			10/0	

	Screening Date	15-Mar-2022	Docket No. 2022-0341-PST-E	PCW
		ALINA FOOD MART INC	Policy F	Revision 5 (January 28, 2021)
_	Case ID No.		PCV	W Revision February 11, 2021
Reg.	Ent. Reference No.			
		Petroleum Storage Tank		
	Enf. Coordinator Violation Number	i		
	Rule Cite(s)	30 Tex. Admin. Code	§ 334.50(b)(2) and Tex. Water Code § 26.3475(a)	
		F ailed to many idea as less a		
	Violation Description		detection for the pressurized piping associated with the k ("UST") system. Specifically, the Respondent had not	
			ual line leak detector and piping tightness tests.	
			Base Penalty	\$25,000
>> En	vironmental, Prope	erty and Human Healt	th Matrix	
		Harm		
OR	Release Actua	_	e Minor	
• · · ·	Potentia		Percent 15.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	e Minor Percent 0.0%	
	Human he	alth or the environment will	or could be exposed to pollutants that would exceed	
			health or environmental receptors as a result of the	
			violation.	
			Adjustment \$21,250	
				\$3,750
Violati	on Events			
	Number of	Violation Events <u>1</u>	63 Number of violation days	
		daily		
		adity		
		weekly		
		monthly		
		monthly quarterly	Violation Base Penalty	\$3,750
		monthly quarterly semiannual	Violation Base Penalty	\$3,750
		monthly quarterly	Violation Base Penalty	\$3,750
		monthly quarterly semiannual annual	Violation Base Penalty	\$3,750
		monthly quarterly semiannual annual single event X		\$3,750
		monthly quarterly semiannual annual single event X	Violation Base Penalty	\$3,750
		monthly quarterly quarterly semiannual annual Single event X	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly quarterly semiannual annual single event X One single 10.00	e event is recommended. Reduction	\$3,750
Good F	Faith Efforts to Con	monthly quarterly quarterly semiannual annual single event X One single 10.00	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single	e event is recommended. Reduction	
Good F	Faith Efforts to Con	monthly quarterly quarterly semiannual annual single event X One single DPly 10.00 Extraordinary	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single bply 10.00 Before NOE/NC Extraordinary Ordinary N/A The Resp	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single Defore NOE/NO Extraordinary Ordinary N/A The Resp the annual	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single Defore NOE/NO Extraordinary Ordinary N/A The Resp the annual	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single Defore NOE/NO Extraordinary Ordinary N/A The Resp the annual	e event is recommended.	
Good F	Faith Efforts to Con	monthly quarterly semiannual annual single event X One single Defore NOE/NO Extraordinary Ordinary N/A The Resp the annual	e event is recommended.	\$375
		monthly quarterly semiannual annual single event X One single before NOE/NO Extraordinary Ordinary N/A Notes Notes	e event is recommended.	\$375
	mic Benefit (EB) fo	monthly quarterly semiannual annual single event X One single to before NOE/NO Before NOE/NO Extraordinary Ordinary N/A Notes Notes The Respute the annual on May 2,	e event is recommended.	\$375
	mic Benefit (EB) fo	monthly quarterly semiannual annual single event X One single before NOE/NO Extraordinary Ordinary N/A Notes Notes	e event is recommended.	\$375

	E	conomic	Benefit	Wo	rksheet		
Respondent	ALINA FOOD N	1ART INC					
Case ID No.							
leg. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		laye lalik				Percent Interest	Depreciation
VIOLATION NO.	1						
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment		<u></u>		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u> \$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	<u>\$0</u> \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u>\$0</u> \$0
Training/Sampling	\$118	11-Jan-2022	2-May-2022	0.30	\$2	n/a	\$2
Remediation/Disposal	<u> </u>		2 1149 2022	0.00	\$0	n/a	\$0
Permit Costs		<u> </u>		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		Required is the in	vestigation date	e, and th	ne Final Date is the	piping tightness test e date of compliance	2.
Avoided Costs	ANNUA	ALIZE avoided co	osts before er	tering	item (except for	one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$118	11-Jan-2022	15-Mar-2022	0.17	\$1	\$118	\$119
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated					piping tightness test he screening date.	s. The Date
Approx. Cost of Compliance		\$236			TOTAL		\$12

	Screening Da	te 15-Mar-2022		Docket No	2022-0341-PST-E		PCW
		nt ALINA FOOD M	IART INC			Policy R	evision 5 (January 28, 2021)
	Case ID N					PCV	V Revision February 11, 2021
Reg.	Ent. Reference N						
		ia Petroleum Stor	age Tank				
	Enf. Coordinat		1				
	Rule Cite		dmin Codo 5 224	40(a)(1) and Tay	Watar Cada & 26 247		
		30 Tex. P			Water Code § 26.347	5(u)	
	Violation Descript	on Fa	ailed to provide cor	rosion protection f	or the UST system.		
					Base	e Penalty	\$25,000
>> Env	vironmental, Pro	perty and Hun	nan Health Ma	trix			
	Relea	co Major	Harm Moderate M	inor			
OR		se Major ual	Moderate				
	Poter	tial X			Percent 15.0%		
>> Bro	grammatic Matri	~					
~~FI0	Falsificati		Moderate M	inor			
					Percent 0.0%		
							1
					utants that would exce		
	Notes that a	e protective of hun	nan health or envir	onmental receptor	s as a result of the vio	lation.	
				A	djustment	\$21,250	
				Α	djustment	\$21,250	\$3,750
Violati	on Events			A	djustment	\$21,250	-
Violatio	on Events			A	djustment	\$21,250	-
Violatio		of Violation Events	1	A 63	djustment		-
Violatio			1				-
Violatio		of Violation Events daily weekly	<u> </u>				-
Violatio		daily weekly monthly			Number of violation	days	\$3,750
Violatio		daily weekly monthly quarterly				days	\$3,750
Violatio		daily weekly monthly	1		Number of violation	days	\$3,750
Violati		daily weekly monthly quarterly semiannual	1		Number of violation	days	\$3,750
Violati	Number	daily weekly monthly quarterly semiannual annual single event		63	Number of violation	days e Penalty	\$3,750
Violati	Number	daily weekly monthly quarterly semiannual annual single event	X	<u>63</u> January 11, 2022	Number of violation	days e Penalty	\$3,750
Violati	Number	daily weekly monthly quarterly semiannual annual single event	X	63	Number of violation	days e Penalty	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event	X Market from the 15, 2022 sc	<u>63</u> January 11, 2022	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number	daily weekly monthly quarterly semiannual annual single event	x x mended from the 15, 2022 sc 10.0%	<u>63</u> January 11, 2022	Number of violation Violation Base	days e Penalty	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	x x mended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	63 January 11, 2022 reening date.	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	x x nmended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	63 January 11, 2022 reening date.	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	x x mended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	G3 January 11, 2022 reening date.	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	x x mended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	Danuary 11, 2022 reening date.	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	nmended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	Danuary 11, 2022 reening date.	Number of violation Violation Base	days e Penalty he March	\$3,750
	Number One quar	daily weekly monthly quarterly semiannual annual single event erly event is recon	nmended from the 15, 2022 sc 10.0% Before NOE/NOV NOE/	January 11, 2022 reening date.	Number of violation Violation Base investigation date to t nent Offer	days e Penalty he March	\$3,750 \$3,750 \$375 \$375

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$81 Violation Final Penalty Total \$3,039
	This violation Final Assessed Penalty (adjusted for limits) \$3,039

	ALINA FOOD N	1ART INC					
Case ID No.							
eg. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		laye lalik				Percent Interest	Depreciation
	Z						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	\$6,000	11-Jan-2022	22-Mar-2022	0.19	\$4	\$77	\$81
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
	Estimated del	aved cost to insta	III and test a cor	rosion r	protection system	for the UST system	
Notes for DELAYED costs	The I	Date Required is t	he investigation	date, a	ind the Final Date	for the UST system is the date of compl	at the Facility. iance.
Avoided Costs	The I	Date Required is t	he investigation	date, a	ind the Final Date	is the date of compl	at the Facility. iance.
Avoided Costs Disposal	The I	Date Required is t	he investigation	date, a	ind the Final Date	is the date of compl one-time avoided \$0	at the Facility. iance. I costs) \$0
Avoided Costs Disposal Personnel	The I	Date Required is t	he investigation	date, a	ind the Final Date item (except for \$0 \$0	is the date of compl one-time avoided \$0 \$0	at the Facility. iance. I costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	The I	Date Required is t	he investigation	date, a	item (except for \$0 \$0 \$0 \$0	is the date of compl one-time avoided \$0 \$0 \$0	at the Facility. iance. I costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel	The I	Date Required is t	he investigation	date, a	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compl one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	at the Facility. iance. I costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	The I	Date Required is t	he investigation	date, a	ind the Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compl one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	at the Facility. iance. I costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	The I	Date Required is t	he investigation	date, a	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compl one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	at the Facility. iance. I costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The I	Date Required is t	he investigation	date, a	ind the Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compl one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	at the Facility. iance. I costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	1 5-Mar-2022	Docket No. 2022-0341-PST-E	PCW
Responden	t ALINA FOOD MART INC	Policy	Revision 5 (January 28, 2021)
Case ID No		PC	W Revision February 11, 2021
Reg. Ent. Reference No			
	Petroleum Storage Tank		
Enf. Coordinato Violation Numbe			
Rule Cite(s		For Admin Code 5 224 10(h)(2)	
Violation Descriptio	Failed to assure that all L financial assurance and	Tex. Admin. Code § 334.10(b)(2) JST recordkeeping requirements are met. Specifically, tank release detection records were not available for tion at the time of the investigation. Base Penalty	\$25,000
			\$23,000
>> Environmental, Prop	erty and Human Healt	h Matrix	
Releas	Harm e Major Moderate	Minor	
OR Actua			
Potentia		Percent 0.0%	
>>Programmatic Matrix			
Falsification		Minor	
		X Percent 1.0%	
			٦
Matrix Notes	Less than 30% of t	he rule requirement was not met.	
		Adjustment \$24,750	0
			\$250
			φ230
Violation Events			
Number of	Violation Events 1 daily weekly monthly	<u>63</u> Number of violation days	
	quarterly semiannual	Violation Base Penalty	\$250
	annual	-	
	single event X		
	One single	e event is recommended.	
Good Faith Efforts to Co	nply 10.0%	Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A	ondent came into compliance by submitting	
		surance and tank release detection records on	
	April 27	, 2022, after the February 17, 2022 NOE.	
		Violation Subtota	\$225

Economic Benefit (EB) for this violation	n Statutory Limit Test	
Estimated EB Amount	\$1 Violation Final Penalty Total	\$203
	This violation Final Assessed Penalty (adjusted for limits)	\$203

	E	conomic	Benefit	Wo	rksheet		
Respondent	ALINA FOOD N	ART INC					
Case ID No.							
Reg. Ent. Reference No.							
							Years of
	Petroleum Sto	rage rank				Percent Interest	
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Casta							
Delayed Costs Equipment	r	1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	<u>\$0</u> \$0
				0.00	\$0	\$0	<u>\$0</u> \$0
Other (as needed) Engineering/Construction				0.00	\$0	\$0	<u> </u>
Ligineering/construction				0.00	\$0	n/a	\$0
Record Keeping System	\$90	11-Jan-2022	27-Apr-2022	0.29	\$0	n/a	<u> </u>
Training/Sampling	<u> </u>			0.00	\$0	n/a	<u>\$1</u> \$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs				0.00	\$0	n/a	<u> </u>
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	immedia	•	•	•	by agency person Date is the date of	nel. The Date Requ f compliance.	ired is the
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$90			TOTAL		\$:

	Screening Date	1 F. Mar. 2022	Docket No. 2022-0341-PST-E	PCW	,
	Screening Date	ALINA FOOD MART INC	DOCKEL NO. 2022-0341-PST-E		
	Case ID No.			Policy Revision 5 (January 28, 20	
Pog E	nt. Reference No.			PCW Revision February 11, 2	2021
Reg. E		Petroleum Storage Tank			
	Enf. Coordinator	÷			
	Violation Number				
	Rule Cite(s)				
		٦٤) Tex. Admin. Code § 334.606		
	Violation Description	available for inspection upor	or training certification records on-site and ma n request by agency personnel. Specifically, C ning records were not available for review.		
			Bas	e Penalty \$25,	000
>> Envi	ronmental, Prope	rty and Human Healtl	n Matrix		
		Harm			
OR	Release Actual		Minor		
	Potential		Percent 0.0%		
>>Prog	rammatic Matrix				
	Falsification	Major Moderate	Minor Percent 10.0%		
	Matrix Notes	100% of the ru	le requirement was not met.		
			Adjustment	\$22,500	
					,500
				Ψζ,	500
Violation	n Events				
	Number of \	/iolation Events 1	63 Number of violation	davs	
	Number of V			uuys	
		daily]		
		weekly			
		monthly quarterly	 Violation Bas	e Penalty \$2	500
		semiannual		φ <i>2</i> ,	500
		annual			
		single event X			
		One single	event is recommended.		
			7		
Good Fa	ith Efforts to Com			Reduction	\$0
			NOE/NOV to EDPRP/Settlement Offer		
		Ordinary			
		N/A X			
			dent does not meet the good faith criteria for this violation.		
				l	

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$2 Violation Final Penalty Total \$2,279
	This violation Final Assessed Penalty (adjusted for limits) \$2,279

Case ID No. eg. Ent. Reference No.							
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	1!
	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	\$45	11-Jan-2022	19-Dec-2022	0.94	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)	Estimated del	ayed cost to mair	ntain operator tr	0.00	\$0	n/a	\$0
Notes for DELAYED costs	for inspection	on upon request b F	by agency perso inal Date is the	0.00 aining c nnel. Th estimat	\$0 certification record ne Date Required in red date of complia	n/a s on-site and make s the investigation c ince.	\$0 them available late, and the
Notes for DELAYED costs Avoided Costs	for inspection	on upon request b F	by agency perso inal Date is the	0.00 aining c nnel. Th estimat	\$0 certification record ne Date Required is ed date of complia item (except for	n/a s on-site and make s the investigation of ince.	\$0 them available late, and the d costs)
Notes for DELAYED costs Avoided Costs Disposal	for inspection	on upon request b F	by agency perso inal Date is the	0.00 aining c nnel. Th estimat tering 0.00	\$0 certification record the Date Required is red date of complian item (except for \$0	n/a s on-site and make s the investigation of once. one-time avoided \$0	\$0 them available late, and the d costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	for inspection	on upon request b F	by agency perso inal Date is the	aining contractions of the section o	\$0 certification record be Date Required is red date of complian item (except for \$0 \$0	n/a s on-site and make s the investigation of ince. once. one-time avoide \$0 \$0	\$0 them available late, and the d costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	for inspection	on upon request b F	by agency perso inal Date is the	0.00 aining c nnel. Th estimat tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 certification record the Date Required is red date of complian item (except for \$0 \$0 \$0 \$0	n/a s on-site and make s the investigation of ince. one-time avoide \$0 \$0 \$0 \$0	\$0 them available late, and the d costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	for inspection	on upon request b F	by agency perso inal Date is the	0.00 aining c nnel. Th estimat 1 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 certification record the Date Required is red date of complia item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s on-site and make s the investigation of ince. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 them available late, and the d costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	for inspection	on upon request b F	by agency perso inal Date is the	aining contracting	\$0 certification record be Date Required is ed date of complia item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s on-site and make s the investigation of ince. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 them available late, and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	for inspection	on upon request b F	by agency perso inal Date is the	aining c nnel. Th estimat 0.00 0.00 0.00 0.00 0.00 0.00	\$0 certification record the Date Required is ed date of complia item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s on-site and make s the investigation of ince. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 them available late, and the late, and the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	for inspection	on upon request b F	by agency perso inal Date is the	aining contracting	\$0 certification record be Date Required is ed date of complia item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s on-site and make s the investigation of ince. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 them available late, and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening Date	1E Mar 2022	Docket No. 2022-0341-PST-E	PCW
			DUCKEL NO. 2022-0341-PST-E	
	-	ALINA FOOD MART INC		Policy Revision 5 (January 28, 2021)
_	Case ID No.			PCW Revision February 11, 2021
Reg.	Ent. Reference No.			
		Petroleum Storage Tank		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	30	Tex. Admin. Code § 334.602(a)	
	Violation Description	Failed to designate, train, a	and certify at least one named individual for each of, and Class C for the Facility. Specifically, the Faci not have a Class C operator.	lity did
			Base P	enalty \$25,000
>> Env	vironmontal Brond	erty and Human Healt	h Matrix	
~~ EIN	inonmental, Prope	Harm		
	Release		Minor	
OR	Actua			
	Potentia		X Percent 3.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
			could be exposed to insignificant amounts of pollu	
	Matrix Notes	· · · ·	tective of human health or environmental receptor ult of the violation.	
			Adjustment \$	24,250
				\$750
X/2 I				
Violatio	on Events			
	Number of	Violation Events 1	63 Number of violation day	/5
	Number of			5
		daily		
		weekly		
		monthly		
		quarterly	Violation Base P	enalty \$750
		semiannual		
		annual		
		single event X		
		One single	e event is recommended.	
			-	
Good F	aith Efforts to Con			duction \$0
			/ NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
1		N/A X		
		The Respor	dent does not meet the good faith criteria for	
			dent does not meet the good faith criteria for this violation.	
		The Respor		
		The Respor		ıbtotal \$750

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$0 Violation Final Penalty Total \$684
	This violation Final Assessed Penalty (adjusted for limits) \$684

	E	conomic	Benefit	Wo	rksheet		
Respondent	ALINA FOOD N	MART INC					
Case ID No.							
Reg. Ent. Reference No.							Verveef
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	\$0	<u> </u>
Engineering/Construction				0.00	\$0	\$0	<u> </u>
Lighteening/construction				0.00	\$0	n/a	\$0
Record Keeping System	\$10	11-Jan-2022	19-Dec-2022	0.94	\$0	n/a	<u> </u>
Training/Sampling	<u> </u>		19 DCC 2022	0.00	\$0	n/a	<u>\$0</u>
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					•	rator for the Facility mated date of comp	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

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 CN602522237, RN101445013, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN602522237, ALINA FOOD MART INC	Classification: HIGH	Rating: 0.00					
Regulated Entity:	RN101445013, Alina Food Mart	Classification: HIGH	Rating: 0.00					
Complexity Points:	2	Repeat Violator: NO						
CH Group:	14 - Other							
Location:	4151 Pleasanton Road, San Antonio, Bexar County, Texas 78221-3546							
TCEQ Region:	REGION 13 - SAN ANTONIO							
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 34522								
Compliance History Peri	od: September 01, 2016 to August 31, 2	2021 Rating Year: 2021	Rating Date: 09/01/2021					
Date Compliance History	y Report Prepared: July 19, 2022							
Agency Decision Requir	ing Compliance History: Enforceme	ent						
Component Period Selec	ted: July 19, 2017 to July 19, 2022							
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance	e History.					
Name: Karolyn Kent		Phone: (512) 239-2	536					
2) Has there been a (known)	nce and/or operation for the full five year c change in ownership/operator of the site d edia) for the Site Are Listed in S	uring the compliance period?	YES NO					
A. Final Orders, court j N/A	udgments, and consent decrees:							
B. Criminal convictions N/A	:							
C. Chronic excessive er	nissions events:							
D. The approval dates of Item 1 February	of investigations (CCEDS Inv. Trac 19, 2019 (1549098)	k. No.):						
A notice of violation repre	olations (NOV) (CCEDS Inv. Track esents a written allegation of a violation of e of violation is not a final enforcement act	a specific regulatory requirement						
F. Environmental audit N/A	s:							
G Type of environment	al management systems (FMSs):							

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

- I. Participation in a voluntary pollution reduction program: $_{\mbox{N/A}}$
- J. Early compliance:

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING ALINA FOOD MART INC RN101445013 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2022-0341-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 ALINA FOOD MART INC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent operates, as defined in 30 TEX. ADMIN. CODE § 334.2(75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 4151 Pleasanton Road in San Antonio, Bexar 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 \$9,244 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,396 of the penalty and \$1,848 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the annual line leak detector and piping tightness tests on May 2, 2022, with passing results;
 - b. Installed and tested a new corrosion protection system on March 22, 2022; and
 - c. Submitted financial assurance and tank release detection records on April 27, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on January 11, 2022, an investigator documented that the Respondent:

- 1. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.
- 2. Failed to provide corrosion protection for the UST system, in violation of 30 Tex. ADMIN. CODE § 334.49(a)(1) and Tex. WATER CODE § 26.3475(d).
- 3. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, financial assurance and tank release detection records were not available for inspection at the time of the investigation.
- 4. Failed to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.606. Specifically, Class A and B operator training records were not available for review.
- 5. Failed to designate, train, and certify at least one named individual for each class of operator Class A, Class B, and Class C for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a). Specifically, the Facility did not have a Class C operator.

ALINA FOOD MART INC DOCKET NO. 2022-0341-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: ALINA FOOD MART INC, Docket No. 2022-0341-PST-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, begin maintaining UST records, including, but not limited to, Class A and B Operator training certification records on-site and make them immediately available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.606.
 - b. Within 30 days after the effective date of this Order, designate, train, and certify at least one named individual as a Class C operator for the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.602.
 - c. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos.
 2.a and 2.b. 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:

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

with a copy to:

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

- 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 Enforcement Division 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.

ALINA FOOD MART INC DOCKET NO. 2022-0341-PST-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

_____12/5/2022 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

Name (Printed or typed) Authorized Representative of ALINA FOOD MART INC

Date Date

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