

Executive Summary – Enforcement Matter – Case No. 62602
Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
RN100642198
Docket No. 2022-0846-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Six Flags Fiesta Texas, 17000 Interstate Highway 10 West, San Antonio, Bexar County

Type of Operation:

Underground storage tank ("UST") system and a fleet refueling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 1, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$31,248

Amount Deferred for Expedited Settlement: \$6,249

Total Paid to General Revenue: \$24,999

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: March 24, 2022 through May 24, 2022

Date(s) of NOE(s): June 24, 2022

Executive Summary – Enforcement Matter – Case No. 62602
Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
RN100642198
Docket No. 2022-0846-PST-E

Violation Information

1. 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. Specifically, the delivery certificate expired on February 28, 2019 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, at least 15 fuel deliveries were accepted between April 24, 2019 and April 5, 2022 without a valid, current delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
3. Failed to monitor the USTs for releases 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)].
4. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual piping tightness test [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure at the Facility by submitting a properly completed UST registration and self-certification form and obtaining a valid, current TCEQ delivery certificate by April 11, 2022.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement a release detection method for the USTs at the Facility; and
 - ii. Conduct the annual piping tightness test.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
RN100642198
Docket No. 2022-0846-PST-E

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: Kevin Sheffield, Facilities and Construction Manager, Six Flags Fiesta Texas, 17000 IH-10 West, San Antonio, Texas 78257-9503
Christopher Newman, General Counsel, Six Flags Entertainment Corporation, 17000 IH-10 West, San Antonio, Texas 78257-9503

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Jun-2022	Screening	5-Jul-2022	EPA Due	
	PCW	5-Jul-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
Reg. Ent. Ref. No.	RN100642198
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62602	No. of Violations	3
Docket No.	2022-0846-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$46,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$4,625
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$10,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$382	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,862	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$31,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.8%	Adjustment	\$248
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 3.
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Final Penalty Amount	\$31,248
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$31,248
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,249
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$24,999
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Screening Date	5-Jul-2022	Docket No.	2022-0846-PST-E	PCW
Respondent	Six Flags Entertainment Corporation dba Six Flags Fiesta Texas			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62602			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100642198			
Media	Petroleum Storage Tank			
Enf. Coordinator	Karolyn Kent			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No **Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer **Adjustment Percentage (Subtotal 7)** -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	5-Jul-2022	Docket No.	2022-0846-PST-E	PCW
Respondent	Six Flags Entertainment Corporation dba Six Flags Fiesta Texas	Policy Revision 5 (January 28, 2021)		
Case ID No.	62602	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100642198			
Media	Petroleum Storage Tank			
Enf. Coordinator	Karolyn Kent			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
Violation Description	Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on February 28, 2019.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		X		
				Percent 10.0%
Matrix Notes	100% of the rule requirement was not met.			
Adjustment				\$22,500
				\$2,500
Violation Events				
Number of Violation Events		4	1138	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	X		
	single event			
				Violation Base Penalty
				\$10,000
Four annual events are recommended from the February 28, 2019 expiration date of the previous delivery certificate to the April 11, 2022 date of compliance.				
Good Faith Efforts to Comply		25.0%	Reduction	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	X		
	N/A			
Notes	The Respondent came into compliance by submitting a properly completed UST registration and self-certification form and obtaining a valid, current TCEQ delivery certificate by April 11, 2022, before the June 24, 2022 Notice of Enforcement ("NOE").			
Violation Subtotal				\$7,500
Economic Benefit (EB) for this violation Statutory Limit Test				
Estimated EB Amount		\$179	Violation Final Penalty Total	
			\$6,552	
This violation Final Assessed Penalty (adjusted for limits)				\$6,552

Economic Benefit Worksheet

Respondent Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
Case ID No. 62602
Reg. Ent. Reference No. RN100642198
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$40	28-Feb-2019	11-Apr-2022	3.12	\$6	n/a	\$6
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain a valid, current TCEQ delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is the expiration date of the previous delivery certificate, and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$172	28-Feb-2022	11-Apr-2022	0.12	\$1	\$172	\$173
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to obtain a valid, current TCEQ delivery certificate by submitting a properly completed UST registration and self-certification form (\$40 per renewal), which includes accrued cost and interest for each missed renewal period. The Date Required is the due date of the last period when the delivery certificate should have been renewed, and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$212

TOTAL

\$179

Screening Date 5-Jul-2022 Respondent Six Flags Entertainment Corporation dba Six Flags Fiesta Texas Case ID No. 62602 Reg. Ent. Reference No. RN100642198 Media Petroleum Storage Tank Enf. Coordinator Karolyn Kent	Docket No. 2022-0846-PST-E <div style="border: 1px solid black; padding: 2px;"> Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 </div>	PCW
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)
Violation Description		Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, at least 15 fuel deliveries were accepted between April 24, 2019 and April 5, 2022 without a valid, current delivery certificate.

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

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

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

Number of Violation Events	13	15	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		X				

Violation Base Penalty	\$32,500
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Thirteen single events are recommended (one for each month in which a fuel delivery occurred).

Good Faith Efforts to Comply

	25.0%	
		Reduction
		\$8,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A			

Notes	The Respondent came into compliance by submitting a properly completed UST registration and self-certification form and obtaining a valid, current TCEQ delivery certificate by April 11, 2022, before the June 24, 2022 NOE.
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Violation Subtotal	\$24,375
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$0	\$21,294
This violation Final Assessed Penalty (adjusted for limits)	
\$21,294	

Economic Benefit Worksheet

Respondent Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
Case ID No. 62602
Reg. Ent. Reference No. RN100642198
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Economic Benefit included in Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date	5-Jul-2022	Docket No.	2022-0846-PST-E	PCW
Respondent	Six Flags Entertainment Corporation dba Six Flags Fiesta Texas	Policy Revision 5 (January 28, 2021)		
Case ID No.	62602	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100642198			
Media	Petroleum Storage Tank			
Enf. Coordinator	Karolyn Kent			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)			
Violation Description	Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days. Also, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual piping tightness test.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Violation Events

Number of Violation Events	1	Number of violation days	42
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	daily		Violation Base Penalty	\$3,750
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			

One quarterly event is recommended from the May 24, 2022 investigation end date to the July 5, 2022 screening date.

Good Faith Efforts to Comply

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

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$203
Violation Final Penalty Total	\$3,402
This violation Final Assessed Penalty (adjusted for limits)	
\$3,402	

Economic Benefit Worksheet

Respondent Six Flags Entertainment Corporation dba Six Flags Fiesta Texas
Case ID No. 62602
Reg. Ent. Reference No. RN100642198
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$75	24-Mar-2022	9-Nov-2023	1.63	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	24-Mar-2022	9-Nov-2023	1.63	\$122	n/a	\$122

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at the Facility (\$1,500), and to conduct the annual piping tightness test (\$75). The Dates Required are the investigation start date, and the Final Dates are the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$75	24-May-2022	5-Jul-2022	0.12	\$0	\$75	\$75
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual piping tightness test. The Date Required is the investigation end date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,650

TOTAL

\$203



Compliance History Report

Compliance History Report for CN603721960, RN100642198, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN603721960, Six Flags Entertainment Corporation	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100642198, Six Flags Fiesta Texas	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	17000 Interstate Highway 10 West, San Antonio, Bexar County, Texas 78257-9503		
TCEQ Region:	REGION 13 - SAN ANTONIO		

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 61962

EDWARDS AQUIFER PERMIT 13-94110901
EDWARDS AQUIFER PERMIT 13-94110901B
EDWARDS AQUIFER PERMIT 13-96081501
EDWARDS AQUIFER PERMIT 13-89081401
EDWARDS AQUIFER PERMIT 13-92021201
EDWARDS AQUIFER PERMIT 13-96021901
EDWARDS AQUIFER PERMIT 13-89101901
EDWARDS AQUIFER PERMIT 13-99020201
EDWARDS AQUIFER PERMIT 13-98042201
EDWARDS AQUIFER PERMIT 13-99110901
EDWARDS AQUIFER PERMIT 13-89110101
EDWARDS AQUIFER PERMIT 13-92022701
EDWARDS AQUIFER PERMIT 13-07121801
EDWARDS AQUIFER PERMIT 13-91070301
EDWARDS AQUIFER PERMIT 13-94110901D
EDWARDS AQUIFER PERMIT 13-94110901F
EDWARDS AQUIFER PERMIT 13-94122103A
EDWARDS AQUIFER PERMIT 13-89101901B
EDWARDS AQUIFER PERMIT 13-90080802A
EDWARDS AQUIFER PERMIT 13-95022702A

EDWARDS AQUIFER PERMIT 13-94110901H

EDWARDS AQUIFER PERMIT 13-94110901A
EDWARDS AQUIFER PERMIT 13-94122103
EDWARDS AQUIFER PERMIT 13-97041801
EDWARDS AQUIFER PERMIT 13-89101901A
EDWARDS AQUIFER PERMIT 13-91030601
EDWARDS AQUIFER PERMIT 13-92020501
EDWARDS AQUIFER PERMIT 13-94110902
EDWARDS AQUIFER PERMIT 13-95100502
EDWARDS AQUIFER PERMIT 13-91070302
EDWARDS AQUIFER PERMIT 13-91060301
EDWARDS AQUIFER PERMIT 13-95022702
EDWARDS AQUIFER PERMIT 13-96090601
EDWARDS AQUIFER PERMIT 13-93101901
EDWARDS AQUIFER PERMIT 13-94110901C
EDWARDS AQUIFER PERMIT 13-94110901E
EDWARDS AQUIFER PERMIT 13-94110901G
EDWARDS AQUIFER PERMIT 13-91030601A
EDWARDS AQUIFER PERMIT 13-90080802
EDWARDS AQUIFER PERMIT 13001236
POLLUTION PREVENTION PLANNING ID NUMBER
P03201

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD988059119

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: June 01, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 01, 2018 to June 01, 2023

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

Name: Karolyn Kent

Phone: (512) 239-2536

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 22, 2020	(1479962)
Item 2	July 01, 2021	(1737750)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SIX FLAGS ENTERTAINMENT
CORPORATION DBA SIX FLAGS
FIESTA TEXAS
RN100642198

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
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§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0846-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 Six Flags Entertainment Corporation dba Six Flags Fiesta Texas (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 fleet refueling facility located at 17000 Interstate Highway 10 West 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 \$31,248 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$24,999 of the penalty and \$6,249 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 a corrective measure at the Facility by submitting a properly completed UST registration and self-certification form and obtaining a valid, current TCEQ delivery certificate by April 11, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted from March 24, 2022 through May 24, 2022, an investigator documented that the Respondent:

1. 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 February 28, 2019.
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, at least 15 fuel deliveries were accepted between April 24, 2019 and April 5, 2022 without a valid, current delivery certificate.
3. Failed to monitor the USTs for releases 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).
4. 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 piping tightness test.

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: Six Flags Entertainment Corporation dba Six Flags Fiesta Texas, Docket No. 2022-0846-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; and
 - ii. Conduct the annual piping tightness test, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - b. 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:

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

11/8/2024

Date

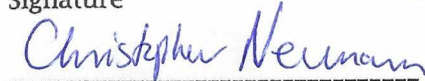
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

Six Flags Entertainment Corporation dba Six Flags Fiesta Texas

Date

9/25/24

General Counsel

Title

☐ 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.