

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62664
Bexar Trading, LLC dba Village Food Store 1
RN101729853
Docket No. 2022-0904-PST-E

Page 1 of 2

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location Where Violation Occurred:
1514 South New Braunfels Avenue, San Antonio, Bexar County

Type of Operation:
an underground storage tank ("UST") system and a convenience store with retail sales of gasoline

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

Texas Register Publication Date: July 4, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$18,070

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$18,070

Compliance History Classifications:
Person/CN - High
Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: May 10, 2022

Date of NOV: N/A

Date of NOE: July 1, 2022

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62664
Bexar Trading, LLC dba Village Food Store 1
RN101729853
Docket No. 2022-0904-PST-E

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Violation Information

1. Failed to provide corrosion protection for the UST system [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1)].
2. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009 [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B)].
3. Failed to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.606].

Corrective Actions/Technical Requirements

Corrective Action Completed:

1. Began maintaining operator training certification records for the Facility and made them available to agency personnel by July 13, 2022.
2. No longer owns or operates the Facility as of April 17, 2023.

Technical Requirements:

None

Litigation Information

Date Petition Filed: January 15, 2025

Date of Service: January 22, 2025

Contact Information

TCEQ Attorneys: Laney Foeller, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Rachel Murray, Enforcement Division, (903) 535-5149

TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Muhannad Ibrahim Taha, Manager, Bexar Trading, LLC, 510 Mesa Ridge, San Antonio, Texas 78258; Muhannad Ibrahim Taha, Manager, Bexar Trading, LLC, 5610 Enrique M. Barrera Parkway, San Antonio, Texas 78227

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jul-2022	Screening	13-Jul-2022	EPA Due	
	PCW	29-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Bexar Trading, LLC dba Village Food Store 1
Reg. Ent. Ref. No.	RN101729853
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62664	No. of Violations	3
Docket No.	2022-0904-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Murray
		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	\$10,000
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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	-\$1,000
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Notes	Reduction for High Performer Classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$8,070
Estimated Cost of Compliance	\$7,545

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	100.8%	Adjustment	\$9,070
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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 2 (\$8,070) and adjustment to offset High Performer reduction (\$1,000).
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Final Penalty Amount	\$18,070
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,070
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$18,070
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Screening Date	13-Jul-2022	Docket No.	2022-0904-PST-E	PCW
Respondent	Bexar Trading, LLC dba Village Food Store 1			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62664			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101729853			
Media	Petroleum Storage Tank			
Enf. Coordinator	Rachel Murray			

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	13-Jul-2022	Docket No.	2022-0904-PST-E	PCW	
Respondent	Bexar Trading, LLC dba Village Food Store 1				<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62664				<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101729853				
Media	Petroleum Storage Tank				
Enf. Coordinator	Rachel Murray				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)				
Violation Description	Failed to provide corrosion protection for the underground storage tank ("UST") system. Specifically, the investigator requested tank and piping material verification or Corrosion Protection test be submitted but neither was received.				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

\$3,750

Violation Events

Number of Violation Events	1		64	Number of violation days
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	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the May 10, 2022 investigation date to the July 13, 2022 screening date.

Good Faith Efforts to Comply

	0.0%		
	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.
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Reduction \$0

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$6,456	Statutory Limit Test	
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Violation Final Penalty Total	\$6,776
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This violation Final Assessed Penalty (adjusted for limits) \$6,776

Economic Benefit Worksheet

Respondent Bexar Trading, LLC dba Village Food Store 1
Case ID No. 62664
Reg. Ent. Reference No. RN101729853
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

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	\$6,000	10-May-2022	9-Nov-2023	1.50	\$456	\$6,000	\$6,456
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to install and test a corrosion protection system for the USTs at the Facility. The Date Required is the investigation date and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$6,000

TOTAL

\$6,456

Screening Date	13-Jul-2022	Docket No.	2022-0904-PST-E	PCW
Respondent	Bexar Trading, LLC dba Village Food Store 1			
Case ID No.	62664	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN101729853	<i>PCW Revision February 11, 2021</i>		
Media	Petroleum Storage Tank			
Enf. Coordinator	Rachel Murray			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(B) and Tex. Water Code § 26.3475(c)(1)			
Violation Description	Failed to monitor the UST for releases in an manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on October 12, 2018, and the Respondent was not monitoring it using interstitial monitoring.			
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	64
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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 10, 2022 investigation date to the July 13, 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

Estimated EB Amount	\$1,614	Statutory Limit Test
Violation Final Penalty Total		\$6,776
This violation Final Assessed Penalty (adjusted for limits)		\$6,776

Economic Benefit Worksheet

Respondent Bexar Trading, LLC dba Village Food Store 1
Case ID No. 62664
Reg. Ent. Reference No. RN101729853
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

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	\$1,500	10-May-2022	9-Nov-2023	1.50	\$114	\$1,500	\$1,614
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to implement interstitial monitoring release detection method for the UST. The Date Required is the investigation date and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$1,500

TOTAL

\$1,614

Screening Date	13-Jul-2022	Docket No.	2022-0904-PST-E	PCW
Respondent	Bexar Trading, LLC dba Village Food Store 1			
Case ID No.	62664	Policy Revision 5 (January 28, 2021)		
Reg. Ent. Reference No.	RN101729853	PCW Revision February 11, 2021		
Media	Petroleum Storage Tank			
Enf. Coordinator	Rachel Murray			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 334.606			
Violation Description	Failed to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel. Specifically, Class A/B operator training certification records were not available for review at the time of the investigation.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		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	1		64	Number of violation days
----------------------------	---	--	----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0		Statutory Limit Test	
			Violation Final Penalty Total	\$4,518
			This violation Final Assessed Penalty (adjusted for limits)	\$4,518

Economic Benefit Worksheet

Respondent Bexar Trading, LLC dba Village Food Store 1
Case ID No. 62664
Reg. Ent. Reference No. RN101729853
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	\$45	10-May-2022	13-Jul-2022	0.18	\$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

Estimated delayed cost to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$0



Compliance History Report

Compliance History Report for CN604680637, RN101729853, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604680637, Bexar Trading, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101729853, Village Food Store 1 **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1514 South New Braunfels Avenue, San Antonio, Bexar County, Texas 78210-2251

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 39453

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

Date Compliance History Report Prepared: July 13, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 13, 2017 to July 13, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Andrea Linson **Phone:** (512) 239-1482

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 August 31, 2016 (1357687)

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/13/2016 and 7/13/2022

N/A

Appendix B

All Investigations Conducted During Component Period July 13, 2016 and July 13, 2022

Item 1*	August 31, 2016	(1357687)
Item 2	July 01, 2022	(1824873)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BEXAR TRADING, LLC DBA
VILLAGE FOOD STORE 1;
RN101729853**

**§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2022-0904-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Bexar Trading, LLC dba Village Food Store 1 ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2, an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 1514 South New Braunfels Avenue in San Antonio, Bexar County, Texas (Facility ID No. 39453) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and they contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on May 10, 2022, an investigator documented that Respondent:
 - a. Failed to provide corrosion protection for the UST system. Specifically, the investigator requested tank and piping material verification or a corrosion protection, but neither was received;
 - b. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on October 12, 2018, and Respondent was not monitoring it using interstitial monitoring; and
 - c. Failed to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel. Specifically, Class A/B operator training certification records were not available for review at the time of the investigation.
3. The Executive Director recognizes that Respondent:
 - a. Began maintaining operator training certification records for the Facility and made them available to agency personnel by July 13, 2022.
 - b. No longer owns or operates the Facility as of April 17, 2023.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Bexar Trading, LLC dba Village Food Store 1" (the "EDPRP") in the TCEQ Chief Clerk's office on January 15, 2025.

5. By letter dated January 15, 2025, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on January 22, 2025, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide corrosion protection for the UST system, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B).
4. As evidenced by Finding of Fact No. 2.c., Respondent 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.
5. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
6. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of \$18,070 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$18,070 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made

out to TCEQ and shall be sent with the notation "Re: Bexar Trading, LLC dba Village Food Store 1; Docket No. 2022-0904-PST-E" to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF LANEY M. FOELLER

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Bexar Trading, LLC dba Village Food Store 1' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 15, 2025.

The EDPRP was mailed to Respondent's last known address on January 15, 2025, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on January 22, 2025, as evidenced by the signature on the card.

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

"My name is Laney M. Foeller, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County, State of Texas,

on the 11th day of June, 2025

A handwritten signature in black ink, appearing to read "Laney M. Foeller".

Declarant