

## **TCEQ Interoffice Memorandum**

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**To:** Mary Smith, General Counsel  
Greg Merrell, Assistant General Counsel

**Thru:** Anna Treadwell, Senior Attorney  
*AMT* Litigation Division

**From:** Marilyn Norrod, Staff Attorney  
*MN* Litigation Division

**Date:** January 9, 2025

**Subject:** **Backup Revision**  
**January 16, 2025 Commission Agenda**  
Item No. 22 A DEEL'S BUSINESS INC.  
Docket No. 2022-0936-PST-E

Enclosed please find the following:

**Pages 2 and 3 of the Executive Summary:**

Replaced pages 2 and 3 of the Executive Summary.

**Page 4 of the Order:**

Made corrections to Items b. and c.

**Respondent Contact:**

Adeel Naqvi, Director  
3403 Chestnut Street  
Lufkin, Texas 75901-6071

Please do not hesitate to call Marilyn Norrod at (512) 239-5916 if you have any questions regarding this matter.

cc: Tiffany Chu, Enforcement Division  
Charlie Adams, Beaumont Regional Office  
Gill Valls, Office of the General Counsel  
Michael Parrish, Enforcement Division  
Leslie Gann, Enforcement Division  
Stuart Beckley, Enforcement Division  
Adeel Naqvi, Respondent Contact

- b. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e. to demonstrate compliance with Ordering Provisions Nos 7.a. through 7.e a.iv.;
- c. In lieu of Ordering Provision Nos. 7.a. through 7.e a.iv., within 180 days after the effective date of this Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55, which includes the following actions:
  - i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities;
  - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
    - 1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    - 2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    - 3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
    - 4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
  - iii. Submitting an amended registration form to reflect the operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Petroleum Storage Tank Registration Program, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 195 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e., to demonstrate compliance with Ordering Provisions Nos 7.c.i. through 7.c.iii.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, 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

- b. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e. to demonstrate compliance with Ordering Provisions Nos 7.a. through 7.a.iv.;
- c. In lieu of Ordering Provision Nos. 7.a. through 7.a.iv., within 180 days after the effective date of this Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55, which includes the following actions:
  - i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities;
  - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
    - 1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    - 2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    - 3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
    - 4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
  - iii. Submitting an amended registration form to reflect the operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:
- d. Within 195 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e., to demonstrate compliance with Ordering Provisions Nos 7.c.i. through 7.c.iii.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, shall be signed by the Respondent and shall include the following certification language:

Petroleum Storage Tank Registration Program, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
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"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

**Violation Information**

1. Failed to monitor a temporarily out-of-service UST system for releases [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.54(c)(1) and 334.50(b)(1)(A)].
2. Failed to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements [30 TEX. ADMIN. CODE §§ 334.54(e)(5) and 37.815(a) and (b)].
3. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3)].
4. Failed to re-train the certified Class A and Class B operator within three years of the last training date [30 TEX. ADMIN. CODE § 334.605(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:** None

**Technical Requirements:**

1. The Facility's UST fuel delivery certificate is revoked immediately. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements set forth in the Order, including payment of the administrative penalty in full.
2. Immediately cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
3. Within 10 days surrender the Facility's UST fuel delivery certificate to TCEQ.
4. Within 15 days submit written certification to demonstrate compliance with Technical Requirement Nos. 2 and 3.
5. Within 30 days properly temporarily remove the UST system from service:
  - a. Implementing a release detection method for the temporarily out-of- service UST system at the Facility;
  - b. Providing financial assurance;
  - c. Conducting the triennial testing of the corrosion protection system; and
  - d. Re-training the certified Class A/B operator for the Facility;
6. Within 45 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 5.
7. In lieu of Technical Requirement No. 5, within 180 days permanently remove the UST system from service:
  - a. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities;
  - b. Employing a Licensed UST Contractor to perform all removal activities, including:
    1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and

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A DEEL'S BUSINESS INC.  
RN101754612  
Docket No. 2022-0936-PST-E

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4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
- c. Submitting an amended registration form to reflect the operational status of the UST system as permanently removed from service; and
8. Within 195 days submit written certification and include detailed supporting documentation to demonstrate compliance with Technical Requirement No. 7.

**Litigation Information**

**Date Petitions Filed:** June 22, 2023; July 19, 2023; October 25, 2023  
**Dates of Service:** unclaimed; unclaimed; unclaimed  
**Secretary of State accepted Service:** February 7, 2024  
**Date Answer Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Marilyn Norrod, 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:** Tiffany Chu, Enforcement Division, (817) 588-5891  
**TCEQ Regional Contact:** Charlie Adams, Beaumont Regional Office, (409) 898-3838  
**Respondent Contact:** Adeel Naqvi, Director, A DEEL'S BUSINESS INC., 3403 Chestnut Street, Lufkin, Texas 75901-6071  
**Respondent's Attorney:** N/A

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62661  
A DEEL'S BUSINESS INC.  
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**Order Type:**  
Default Order

**Media:**  
PST

**Small Business:**  
Yes

**Location Where Violation Occurred:**  
3403 South Chestnut Street, Lufkin, Angelina 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 26, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$5,836

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$5,836

**Compliance History Classifications:**  
Person/CN – High  
Site/RN – High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date:** N/A

**Date of Investigation:** April 4, 2022

**Date of NOV:** N/A

**Date of NOE:** May 13, 2022

**Violation Information**

1. Failed to monitor a temporarily out-of-service UST system for releases [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.54(c)(1) and 334.50(b)(1)(A)].
2. Failed to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements [30 TEX. ADMIN. CODE §§ 334.54(e)(5) and 37.815(a) and (b)].
3. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3)].
4. Failed to re-train the certified Class A and Class B operator within three years of the last training date [30 TEX. ADMIN. CODE § 334.605(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed: None**

**Technical Requirements:**

1. The Facility's UST fuel delivery certificate is revoked immediately. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements set forth in the Order, including payment of the administrative penalty in full.
2. Immediately cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
3. Within 10 days surrender the Facility's UST fuel delivery certificate to TCEQ.
4. Within 15 days submit written certification to demonstrate compliance with Technical Requirement Nos. 2 and 3.
5. Respondent shall undertake the following technical requirements:
  - a. Upon obtaining a new fuel delivery certificate, post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times;
  - b. Within 15 days after obtaining a new fuel delivery certificate, submit written certification in accordance with Technical Requirement No 5.h. to demonstrate compliance with Technical Requirement No. 5.a.;
  - c. Within 30 days properly temporarily remove the UST system from service:
    - i. Implementing a release detection method for the temporarily out-of- service UST system at the Facility;
    - ii. Providing financial assurance;
    - iii. Conducting the triennial testing of the corrosion protection system; and
    - iv. Re-training the certified Class A/B operator for the Facility;
  - d. In lieu of Technical Requirement Nos. 5.c.i. through 5.c.iv., within 30 days, empty the USTs of all regulated substances and conduct a site check and perform any necessary corrective actions;
  - e. Within 45 days submit written certification as described in Technical Requirement No. 5.h., and include detailed supporting documentation including photographs, receipts, and/or

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other records to demonstrate compliance with Technical Requirements No. 5.c.i. through 5.c.iv. or Technical Requirement Nos. 5.d.;

- f. In lieu of Technical Requirement Nos. 5.c.i. through 5.c.iv. or 5.d., within 180 days permanently remove the UST system from service:
  - i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities;
  - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
    - a. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    - b. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    - c. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
    - d. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
- g. Submitting an amended registration form to reflect the operational status of the UST system as permanently removed from service; and
- h. Within 195 days submit written certification and include detailed supporting documentation to demonstrate compliance with Technical Requirement No. 5.d.

**Litigation Information**

**Date Petitions Filed:** June 22, 2023; July 19, 2023; October 25, 2023  
**Dates of Service:** unclaimed; unclaimed; unclaimed  
**Secretary of State accepted Service:** February 7, 2024  
**Date Answer Filed:** N/A

**Contact Information**

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**Respondent Contact:** Adeel Naqvi, Director, A DEEL'S BUSINESS INC., 3403 Chestnut Street, Lufkin, Texas 75901-6071  
**Respondent's Attorney:** N/A



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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Jul-2022	<b>Screening</b>	18-Jul-2022	<b>EPA Due</b>	
	<b>PCW</b>	19-Dec-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	A DEEL'S BUSINESS INC.				
<b>Reg. Ent. Ref. No.</b>	RN101754612				
<b>Facility/Site Region</b>	10-Beaumont		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62661	<b>No. of Violations</b>	2
<b>Docket No.</b>	2022-0936-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tiffany Chu
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$4,500
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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.

<b>Compliance History</b>	<b>-10.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$450</b>
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<b>Notes</b>	Reduction for High Performer classification.			
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$2,990	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$31,363	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,050</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>44.1%</b>	<b>Adjustment</b>	<b>\$1,786</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2 and recommended adjustment to offset the High Performer reduction.		
	<b>Final Penalty Amount</b>	<b>\$5,836</b>	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$5,836</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.		
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<b>PAYABLE PENALTY</b>	<b>\$5,836</b>
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<b>Screening Date</b>	18-Jul-2022	<b>Docket No.</b>	2022-0936-PST-E	<b>PCW</b>
<b>Respondent</b>	A DEEL'S BUSINESS INC.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62661			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101754612			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Tiffany Chu			

## 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%

<b>Screening Date</b> 18-Jul-2022 <b>Respondent</b> A DEEL'S BUSINESS INC. <b>Case ID No.</b> 62661 <b>Reg. Ent. Reference No.</b> RN101754612 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Tiffany Chu	<b>Docket No.</b> 2022-0936-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 334.54(c)(1) and 334.50(b)(1)(A), 334.54(e)(5) and 37.815(a) and (b), and 334.49(c)(4)(C) and 334.54(b)(3) and Tex. Water Code § 26.3475(c)(1) and (d)		
<b>Violation Description</b>	Failed to monitor a temporarily out-of-service underground storage tank ("UST") system for releases. Also, failed to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements. Additionally, failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system by the December 18, 2018 testing due date.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

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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<b>Adjustment</b>	\$21,250
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	\$3,750
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**Violation Events**

Number of Violation Events	1	105	Number of violation days
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	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text" value="x"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

One semiannual event is recommended from the April 4, 2022 investigation date to the July 18, 2022 screening date.
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**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="x"/>
Notes	The Respondent does not meet the good faith criteria for this violation.

<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$2,733	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>
		\$4,863

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$4,863
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# Economic Benefit Worksheet

**Respondent** A DEEL'S BUSINESS INC.  
**Case ID No.** 62661  
**Reg. Ent. Reference No.** RN101754612  
**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)	\$30,000	4-Apr-2022	4-May-2023	1.08	\$1,623	n/a	\$1,623

### Notes for DELAYED costs

Estimated delayed cost to permanently remove four USTs from service with a combined capacity of 20,000 gallons at \$1.50 per gallon. The Date Required is the investigation date, and the Final Date is 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	\$1,079	18-Dec-2021	18-Jul-2022	0.58	\$31	\$1,079	\$1,110
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided cost to conduct the triennial testing of the corrosion protection system (\$500 per testing), which includes accrued cost and interest for each missed renewal period. The Date Required is the due date of the last period when the testing should have been conducted, and the Final Date is the screening date.

### Approx. Cost of Compliance

\$31,079

### TOTAL

\$2,733

<b>Screening Date</b> 18-Jul-2022 <b>Respondent</b> A DEEL'S BUSINESS INC. <b>Case ID No.</b> 62661 <b>Reg. Ent. Reference No.</b> RN101754612 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Tiffany Chu	<b>Docket No.</b> 2022-0936-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.605(a)		
<b>Violation Description</b>	Failed to re-train the certified Class A and Class B operator within three years of the last training date. Specifically, the Class A/B operator training certification expired on May 31, 2016.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input type="text" value="3.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$24,250
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	\$750
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**Violation Events**

Number of Violation Events	1	2239	Number of violation days
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	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$750"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

One single event is recommended.
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**Good Faith Efforts to Comply**

	0.0%	<b>Reduction</b> <input type="text" value="\$0"/>
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<input type="text"/>	

Notes	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$750
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$257
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$973
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$973
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## Economic Benefit Worksheet

**Respondent** A DEEL'S BUSINESS INC.  
**Case ID No.** 62661  
**Reg. Ent. Reference No.** RN101754612  
**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	\$90	31-May-2016	4-May-2023	6.93	\$31	n/a	\$31
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 re-train the certified Class A/B operator for the Facility. The Date Required is the date the last operator training expired, and the Final Date is 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	\$194	31-May-2019	18-Jul-2022	3.13	\$32	\$194	\$226
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided cost to re-train the certified Class A/B operator for the Facility (\$90 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 operator training should have been renewed, and the Final Date is the screening date.

#### Approx. Cost of Compliance

\$284

#### TOTAL

\$257



# Compliance History Report

Compliance History Report for CN604061150, RN101754612, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN604061150, A DEEL'S BUSINESS INC. **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN101754612, A Deels 1 **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 6 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 3403 South Chestnut Street, Lufkin, Angelina County, Texas 75901-6071

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 24274

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

**Date Compliance History Report Prepared:** October 03, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 03, 2017 to October 03, 2022

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

**Name:** Hailey Johnson **Phone:** (512) 239-1756

## 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 06, 2021      (1750031)

**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  
A DEEL'S BUSINESS INC.;  
RN101754612**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2022-0936-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 and corrective action of the respondent, and revocation of the facility's fuel delivery certificate. The respondent made the subject of this Order is A DEEL'S BUSINESS INC. ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns, as defined in 30 TEX. ADMIN. CODE § 334.2, a UST system and a convenience store with retail sales of gasoline located at 3403 South Chestnut Street in Lufkin, Angelina County, Texas (Facility ID No. 24274) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ and contain a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on April 4, 2022, an investigator documented that Respondent:
  - a. Failed to monitor a temporarily out-of-service UST system for releases;
  - b. Failed to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements;
  - c. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, Respondent had not conducted the triennial testing of the corrosion protection system by the December 18, 2018, testing due date; and
  - d. Failed to re-train the certified Class A and Class B operator within three years of the last training date. Specifically, the Class A/B operator training certification expired on May 31, 2016.
3. 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 and Requiring Certain Actions of A DEEL'S BUSINESS INC." (the "EDPRP") in the TCEQ Chief Clerk's office on June 22, 2023.
4. The EDPRP was mailed to Respondent's last known address on June 22, 2023; via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on July 19, 2023.
6. By letter dated July 19, 2023, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. United States Postal Service returned the EDPRP sent by

certified mail as "unclaimed." The first-class mail was returned by the United States Postal Service as "unclaimed and unable to forward."

7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on October 25, 2023.
8. By letter dated October 25, 2023, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first-class mail was returned by the United States Postal Service as "unclaimed and unable to forward."
9. By letter dated December 12, 2023, the Executive Director requested that the Texas Secretary of State accept service on behalf of the Respondent. The Secretary of State accepted service on February 7, 2024.
10. 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 chs 7 and 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. No. 2.a., Respondent failed to monitor a temporarily out-of-service UST system for releases, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.54(c)(1) and 334.50(b)(1)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements, in violation of 30 TEX. ADMIN. CODE §§ 334.54(e)(5) and 37.815(a) and (b).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to re-train the certified Class A and Class B operator within three years of the last training date, in violation of 30 TEX. ADMIN. CODE § 334.605(a).
6. As evidenced by Findings of Fact Nos. 3 through 9, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. BUS. ORG. CODE § 5.251, TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
7. As evidenced by Finding of Fact No. 10, 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.
8. 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.
9. An administrative penalty in the amount of \$5,836 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. 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.
11. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke the Facility's UST fuel delivery certificate if the Commission finds that good cause exists.

12. Good cause for revocation of the Facility's UST fuel delivery certificate exists as justified by Findings of Fact Nos. 2 through 10, and Conclusions of Law Nos. 2 through 7.

**ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of \$5,836 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: A DEEL'S BUSINESS INC.; Docket No. 2022-0936-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. The Facility's UST fuel delivery certificate is revoked immediately upon the effective date of this Order. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements of this Order, including payment of the administrative penalty in full.
4. Immediately upon the effective date of this Order, Respondent shall cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ in accordance with 30 TEX. ADMIN. CODE §§ 334.7 and 334.8.
5. Within 10 days after the effective date of this Order, Respondent shall send the Facility's UST fuel delivery certificate to:

Petroleum Storage Tank Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

6. Within 15 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 7.e. to demonstrate compliance with Ordering Provision Nos. 4 and 5.
7. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, properly temporarily remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.54, which includes:
- i. Implementing a release detection method for the temporarily out-of- service UST system at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;
- ii. Providing financial assurance, in accordance with 30 TEX. ADMIN. CODE § 37.815;
- iii. Conducting the triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
- iv. Re-training the certified Class A/B operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.605.

- b. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e. to demonstrate compliance with Ordering Provisions Nos 7.a. through 7.c.iv.;
- c. In lieu of Ordering Provision Nos. 7.a. through 7.c.iv., within 180 days after the effective date of this Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55, which includes the following actions:
  - i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities;
  - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
    - 1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    - 2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    - 3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
    - 4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
  - iii. Submitting an amended registration form to reflect the operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Petroleum Storage Tank Registration Program, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 180 days after the effective date of this Order, submit written certification in accordance with Ordering Provision 7.e., to demonstrate compliance with Ordering Provisions Nos 7.c.i. through 7.c.iii.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, 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 Beaumont  
Regional Office  
Texas Commission on Environmental  
Quality 3870 Eastex Freeway Beaumont,  
Texas 77703-1830

8. All relief not expressly granted in this Order is denied.
9. The provisions of this Order shall apply to and be binding upon Respondent. 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.
10. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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**

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF MARILYN NORROD

"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 and Requiring Certain Actions of A DEEL'S BUSINESS INC.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 22, 2023.

The EDPRP was mailed to Respondent's last known address on June 22, 2023; via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on July 19, 2023.

By letter dated July 19, 2023, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. United States Postal Service returned the EDPRP sent by certified mail as "unclaimed". The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP.

The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on October 25, 2023.

By letter dated October 25, 2023, sent to Respondent's last known address for registered agent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. United States Postal Service returned the EDPRP sent by certified mail as "unclaimed". The first-class mail was returned by the United States Postal Service as "unclaimed and unable to forward".

By letter dated December 12, 2023, the Executive Director requested that the Texas Secretary of State accept service on behalf of the Respondent. The Secretary of State accepted service on February 7, 2024.

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.

By letter dated April 25, 2024, sent via first class mail and certified mail, return receipt requested Article No. 7022 3330 0000 1186 1744, I provided Respondent with notice of the TCEQ's intent to order the USTs at the Facility be shut down and removed from service if the violations pertaining to were not corrected within 30 days of Respondent's receipt of the letter. According to the USPS records, the Respondent received the Shutdown Order on May 13, 2024.

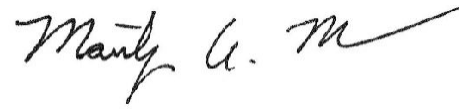


As of the date of this declaration, I am not aware of any evidence that indicates that Respondent has corrected the violations noted during the April 4, 2022 investigation."

"My name is Marilyn A. Norrod, 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 3rd day of July, 2024

Declarant

  
\_\_\_\_\_