

Executive Summary – Enforcement Matter – Case No. 62882
VOCAR Transportation Services, L.L.C.
RN102785409
Docket No. 2022-1107-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Vocar Transportation Services, 5855 Bicentennial Street, 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: March 3, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$33,895

Amount Deferred for Expedited Settlement: \$6,779

Total Paid to General Revenue: \$761

Total Due to General Revenue: \$26,355

Payment Plan: 35 payments of \$753 each

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 28, 2022 through July 8, 2022

Date(s) of NOE(s): August 12, 2022

Executive Summary – Enforcement Matter – Case No. 62882
VOCAR Transportation Services, L.L.C.
RN102785409
Docket No. 2022-1107-PST-E

Violation Information

1. Failed to monitor the UST installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the piping associated with the UST system was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method and the Respondent did not conduct the annual line leak detector test after the June 11, 2020 expiration date of the previous test [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a)].
3. 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 July 31, 2020 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated UST. Specifically, 17 fuel deliveries were accepted without a valid, current TCEQ delivery certificate during June through December of 2021, and February through May of 2022 [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
5. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control ("IC") leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].
6. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting within 30 days. Specifically, IC leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

Executive Summary – Enforcement Matter – Case No. 62882
VOCAR Transportation Services, L.L.C.
RN102785409
Docket No. 2022-1107-PST-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Conducted the annual line leak detector test with passing results by July 14, 2022; and
- b. Submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate by June 23, 2022.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement interstitial monitoring release detection for the UST and associated piping at the Facility;
 - ii. Develop and implement a process for reporting suspected releases timely; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Courtney Gooris, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5863; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: John C. Volpe, President, VOCAR Transportation Services, L.L.C., 7701 West 95th Street, Hickory Hills, Illinois 60457

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Aug-2022	Screening	12-Sep-2022	EPA Due	
	PCW	14-Sep-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	VOCAR Transportation Services, L.L.C.
Reg. Ent. Ref. No.	RN102785409
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62882	No. of Violations	5
Docket No.	2022-1107-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Courtney Gooris
		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
---	-------------------	----------

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
---------------------------	--------	------------	--------------------------------	----------

Notes	Reduction for High Performer classification.
--------------	--

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	-------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$8,125
--	-------------------	----------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts	\$548	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,976	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$33,500
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	1.2%	Adjustment	\$395
---	------	------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1, No. 2, and No. 4.
--------------	--

Final Penalty Amount	\$33,895
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$33,895
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$6,779
-----------------	-------	-----------	------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$27,116
------------------------	----------

Screening Date 12-Sep-2022

Docket No. 2022-1107-PST-E

PCW

Respondent VOCAR Transportation Services, L.L.C.

Policy Revision 5 (January 28, 2021)

Case ID No. 62882

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102785409

Media Petroleum Storage Tank

Enf. Coordinator Courtney Gooris

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 12-Sep-2022

Docket No. 2022-1107-PST-E

PCW

Respondent VOCAR Transportation Services, L.L.C.

Policy Revision 5 (January 28, 2021)

Case ID No. 62882

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102785409

Media Petroleum Storage Tank

Enf. Coordinator Courtney Gooris

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(B) and (b)(2)(A)(iii) and Tex. Water Code § 26.3475(c)(1) and (a)

Violation Description

Failed to monitor the underground storage tank ("UST") installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method. Also, failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the piping associated with the UST system was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method and the Respondent did not conduct the annual line leak detector test after the June 11, 2020 expiration date of the previous test.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				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 a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 76 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the June 28, 2022 investigation date to the September 12, 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

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$314

Violation Final Penalty Total \$3,415

This violation Final Assessed Penalty (adjusted for limits) \$3,415

Economic Benefit Worksheet

Respondent VOCAR Transportation Services, L.L.C.
Case ID No. 62882
Reg. Ent. Reference No. RN102785409
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$1,500	28-Jun-2022	11-Jun-2023	0.95	\$72	n/a	\$72

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection for the UST and associated piping at the Facility. The Date Required is the investigation start 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				0.00	\$0	\$0	\$0
Other (as needed)	\$229	11-Jun-2021	14-Jul-2022	1.09	\$13	\$229	\$242

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector test (\$75 per test), which includes accrued cost and interest for each missed renewal period. The Date Required is the due date of the last period when the annual line leak detector test should have been conducted and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$1,729

TOTAL

\$314

Screening Date 12-Sep-2022 **Docket No.** 2022-1107-PST-E **PCW**
Respondent VOCAR Transportation Services, L.L.C. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number 2

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 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 July 31, 2020.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 2 692 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$5,000

Two annual events are recommended from the July 31, 2020 expiration date of the previous delivery certificate to the June 23, 2022 date of compliance.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on June 23, 2022, before the August 12, 2022 Notice of Enforcement ("NOE").

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$127 **Violation Final Penalty Total** \$3,288

This violation Final Assessed Penalty (adjusted for limits) \$3,288

Economic Benefit Worksheet

Respondent VOCAR Transportation Services, L.L.C.
Case ID No. 62882
Reg. Ent. Reference No. RN102785409
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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				0.00	\$0	\$0	\$0
Other (as needed)	\$122	31-Jul-2021	23-Jun-2022	0.90	\$5	\$122	\$127
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	\$122	TOTAL	\$127
-----------------------------------	-------	--------------	-------

Screening Date 12-Sep-2022 **Docket No.** 2022-1107-PST-E **PCW**
Respondent VOCAR Transportation Services, L.L.C. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number 3

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 regulated UST. Specifically, 17 fuel deliveries were accepted without a valid, current TCEQ delivery certificate during June through December of 2021, and February through May of 2022.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes
 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 11 17 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$27,500

Eleven single events are recommended (one for each month in which a fuel delivery occurred).

Good Faith Efforts to Comply 25.0% Reduction \$6,875

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes
 The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on June 23, 2022, before the August 12, 2022 NOE.

Violation Subtotal \$20,625

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$18,086

This violation Final Assessed Penalty (adjusted for limits) \$18,086

Economic Benefit Worksheet

Respondent VOCAR Transportation Services, L.L.C.
Case ID No. 62882
Reg. Ent. Reference No. RN102785409
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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. 2.							

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 12-Sep-2022 **Docket No.** 2022-1107-PST-E **PCW**
Respondent VOCAR Transportation Services, L.L.C. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description
 Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control ("IC") leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10.0%

Matrix Notes
 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 315 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended (for one UST in which a suspected release occurred).

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ 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 **Statutory Limit Test**

Estimated EB Amount \$31 **Violation Final Penalty Total** \$2,277

This violation Final Assessed Penalty (adjusted for limits) \$2,277

Economic Benefit Worksheet

Respondent VOCAR Transportation Services, L.L.C.
Case ID No. 62882
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$100	28-Jun-2022	11-Jun-2023	0.95	\$5	n/a	\$5

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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	\$25	1-Nov-2021	12-Sep-2022	0.86	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to report the suspected releases. The Date Required is the earliest date the suspected releases should have been reported and the Final Date is the screening date.

Approx. Cost of Compliance

\$125

TOTAL

\$31

Screening Date 12-Sep-2022 **Docket No.** 2022-1107-PST-E **PCW**
Respondent VOCAR Transportation Services, L.L.C. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description
 Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, IC leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				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 a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 286 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended from the earliest suspected release investigation due date of November 30, 2021 to the September 12, 2022 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes
 The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$76 **Violation Final Penalty Total** \$6,830

This violation Final Assessed Penalty (adjusted for limits) \$6,830

Economic Benefit Worksheet

Respondent VOCAR Transportation Services, L.L.C.
Case ID No. 62882
Reg. Ent. Reference No. RN102785409
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,000	30-Nov-2021	11-Jun-2023	1.53	\$76	n/a	\$76

Notes for DELAYED costs

Estimated delayed cost (\$400 for testing one tank plus line and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$76



Compliance History Report

Compliance History Report for CN603980822, RN102785409, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN603980822, VOCAR Transportation Services, L.L.C.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102785409, Vocar Transportation Services	Classification: HIGH	Rating: 0.00
Complexity Points:	7	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	5855 Bicentennial Street, San Antonio, Bexar County, Texas 78219		
TCEQ Region:	REGION 13 - SAN ANTONIO		

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 48966

STORMWATER PERMIT TXRNEBS64

INDUSTRIAL AND HAZARDOUS WASTE

NONPERMITTED ID NUMBER F1966

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

Date Compliance History Report Prepared: November 29, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 29, 2017 to November 29, 2022

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

Name: Courtney Gooris

Phone: (817) 588-5863

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	July 16, 2019	(1577689)
Item 2	July 10, 2020	(1513826)

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
VOCAR TRANSPORTATION SERVICES,
L.L.C.
RN102785409

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2022-1107-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 VOCAR Transportation Services, L.L.C. (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 5855 Bicentennial Street 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 \$33,895 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$761 of the penalty and \$6,779 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$26,355 of the undeferred penalty shall be paid in 35 monthly payments of \$753 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a timelier resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the annual line leak detector test with passing results by July 14, 2022; and
 - b. Submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate by June 23, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on June 28, 2022 through July 8, 2022, an investigator documented that the Respondent:

1. Failed to monitor the UST installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the UST was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method.

2. Failed to monitor the piping associated with the UST system installed on or after January 1, 2009 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)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a). Specifically, the piping associated with the UST system was installed on September 1, 2010, and the Respondent was not using interstitial monitoring as the primary release detection method and the Respondent did not conduct the annual line leak detector test after the June 11, 2020 expiration date of the previous test.
3. 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 July 31, 2020.
4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, 17 fuel deliveries were accepted without a valid, current TCEQ delivery certificate during June through December of 2021, and February through May of 2022.
5. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control ("IC") leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not reported.
6. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, IC leak-check results for September through December of 2021 and February through May of 2022 indicated suspected releases that were not investigated.

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: VOCAR Transportation Services, L.L.C., Docket No. 2022-1107-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 interstitial monitoring release detection for the UST and associated piping at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - ii. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
 - 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

Date



For the Executive Director

6/16/2023

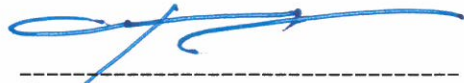
Date

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:

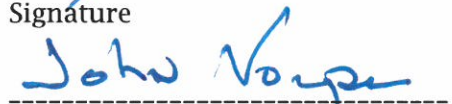
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic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

Date



5/24/23

Name (Printed or typed)



Authorized Representative of

Title

VOCAR Transportation Services, L.L.C.

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