### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58248 NEW CORNER BUSINESS LLC dba MS Quick Mart RN102469418 Docket No. 2022-1108-PST-E

Order Type:

Findings Agreed Order

### Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PST

**Small Business:** 

Yes

### **Location Where Violations Occurred:**

13300 Nacogdoches Road, San Antonio, Bexar County

Type of Operation:

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

### Other Significant Matters:

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

**Texas Register Publication Date:** September 19, 2025

Comments Received: None

### **Penalty Information**

Total Penalty Assessed:\$61,571Total Paid to General Revenue:\$1,721Total Due to General Revenue:\$59,850

Payment Plan: 35 payments of \$1,710

### **Compliance History Classifications:**

Person/CN - SATISFACTORY Site/RN - SATISFACTORY

Major Source: No

Statutory Limit Adjustment: None

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

### **Investigation Information**

Complaint Date: N/A

**Date of Investigation:** June 14, 2022

Date of NOV: N/A

**Date of NOE:** August 8, 2022

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58248 NEW CORNER BUSINESS LLC dba MS Quick Mart RN102469418 Docket No. 2022-1108-PST-E

### **Violation Information**

- 1. Failed to monitor the UST in a matter which will detect a release at a frequency of at least once every 30 days [Tex. Water Code § 26.3475(c)(1), 30 Tex. Admin. Code § 334.50(b)(1)(A), and TCEQ Agreed Order, Docket No. 2019-1285-PST-E, Ordering Provision No. 2.a].
- 2. Failed to provide release detection for the pressurized piping associated with the UST system [Tex. Water Code § 26.3475(a) and 30 Tex. Admin. Code § 334.50(b)(2)].
- 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 [30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 4. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST [30 Tex. ADMIN. CODE § 37.815(a) and (b)].
- 5. 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)].
- 6. 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 [Tex. WATER CODE § 26.3467(a) and 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i)].

### **Corrective Actions/Technical Requirements**

### **Corrective Actions Completed:**

- 1. Conducted the annual line leak detector and piping tightness tests with passing results on July 6, 2022.
- 2. Re-trained the certified Class A and Class B operator on July 6, 2022.
- 3. Submitted documentation that demonstrated acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST on October 7, 2022.
- 4. Submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on October 18, 2022.

### **Technical Requirements:**

- 1. Within 30 days implement a release detection method for the UST at the Facility.
- 2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

### **Litigation Information**

Date Petition Filed:March 31, 2025Date of Service:April 2, 2025Settlement Date:July 10, 2025

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58248 NEW CORNER BUSINESS LLC dba MS Quick Mart RN102469418 Docket No. 2022-1108-PST-E

### **Contact Information**

TCEQ Attorneys: Taylor Pack Ellis, 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: Celicia Garza, Enforcement Division, (210) 657-8422

TCEQ Regional Contact: Joy Thurston-Cook, San Antonio Regional Office, (210) 403-4018

Respondent Contact: Mubarak Dhuka, Manager, NEW CORNER BUSINESS LLC, 13300 Nacogdoches

Road, San Antonio, Texas 78217; 512-379-8426; mubarakdhuka@gmail.com

Respondent's Attorney: N/A





### Penalty Calculation Worksheet (PCW)

CHAIRONMENTAL O	Policy R	evision 5 (January 28	, 2021)			•	PCW Revisi	on February 11, 2021
DATES	Assigned PCW	15-Aug-2022 6-Nov-2024	Screening	13-Sep-2022	EPA Due			
RESPO	NDENT/FACILI	TY INFORMATI	ON					
	Respondent	<b>NEW CORNER B</b>	JSINESS LL	C dba MS Quick	Mart			
	g. Ent. Ref. No.							
Facili	ty/Site Region	13-San Antonio			Major/M	inor Source	Minor	
	NFORMATION						-	
En	f./Case ID No.		_		No. o	of Violations	-	
		2022-1108-PST-				Order Type		
мес		Petroleum Stora	ge Tank		Government	/ Non-Profit Coordinator		
	Multi-Media				Enr.		Enforcement Tea	2m 2
Adı	min. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000	EC S Team	Emorcement rea	
			Pena	lty Calcula	tion Section	on		
TOTA	L BASE PENA	LTY (Sum of		•			Subtotal 1	\$52,000
ADJU	STMENTS (+ Subtotals 2-7 are of	/-) TO SUBTO	<b>DTAL 1</b> g the Total Bas	e Penalty (Subtotal 1	) by the indicated p	ercentage.		
	<b>Compliance Hi</b>	story		20.0%	Adjustment	Subto	tals 2, 3, & 7	\$10,400
	Notes	Enhancemen	t for one Ag	reed Order conta	aining a denial o	of liability.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent do	oes not meet the	culpability crite	eria.		
	Good Faith Eff	ort to Comply T	otal Adjust	tments			Subtotal 5	-\$2,124

Good Faith Effort to Comply Total Adjustments	Subtotal 5	
	_	

**Economic Benefit** Subtotal 6 **\$0** 0.0% Enhancement\* Total EB Amounts Estimated Cost of Compliance \*Capped at the Total EB \$ Amount \$1,647

#### **SUM OF SUBTOTALS 1-7** Final Subtotal \$60,276 OTHER FACTORS AS JUSTICE MAY REQUIRE 2.1% Adjustment \$1,295

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs of compliance associated with Violation Nos. 2, 3, and 4.

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$61,571

Final Penalty Amount

\$61,571

\$61,571

**DEFERRAL** 0.0% Adjustment \$0 Reduction Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** 

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Screening Date 13-Sep-2022

**Docket No.** 2022-1108-PST-E

Respondent NEW CORNER BUSINESS LLC dba MS Quick Mart

**Case ID No.** 58248

Reg. Ent. Reference No. RN102469418

**Media** Petroleum Storage Tank

Enf. Coordinator Celicia Garza

	Committee on High	Compliance History Worksheet						
>>	Compliance Hist	ory <i>Site</i> Enhancement (Subtotal 2)  Number of	Number	Adjust.				
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%				
		Other written NOVs	0	0%				
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%				
	Orders	Orders  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						
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%				
	and Consent Decrees	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 (number of counts)	0	0%				
	Emissions	Chronic excessive emissions events (number of events)	0	0%				
	Audits	0	0%					
	Addits	0	0%					
		T T						
		Environmental management systems in place for one year or more	No	0%				
	Other	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 Per	centage (Sub	ototal 2) 20%				
>>	Repeat Violator	(Subtotal 3)						
	No	Adjustment Per	centage (Sub	ototal 3) 0%				
>>	Compliance Hist	ory Person Classification (Subtotal 7)						
	Satisfactory	Performer Adjustment Per	centage (Sub	ototal 7) 0%				
>>	Compliance Hist	cory Summary						
	Compliance History Notes	Enhancement for one Agreed Order containing a denial of liability.						
>>	Final Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 20%				
	ar compliance	Final Adjustment Percenta	age *capped	at <b>100%</b> 20%				
		<b>,</b>						

Screening Date			2022-1108-PST-E	PCW
•	NEW CORNER BUSINESS LLC	C dba MS Quick Mart	Pol	icy Revision 5 (January 28, 2021)
Case ID No. Reg. Ent. Reference No.				PCW Revision February 11, 2021
	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number				
Rule Cite(s)			Water Code § 26.3475(c)(1) PST-E, Ordering Provision No	
Violation Description		rground storage tank (" : a frequency of at least		
>> Environmental, Prope	rty and Human Health	Matrix	Base Pena	\$25,000
	Harm	HIGHIA		
OR Release		Minor		
Potential			Percent 15.0%	
_		<u></u>		
>> Programmatic Matrix Falsification	Major Moderate	Minor		
raismeaton	Trajor Trioderate	Timor	Percent 0.0%	
				_
	alth or the environment will o at are protective of human he			
		Adj	justment \$21,2	50
				\$3,750
				\$3,730
Violation Events				
Number of \	Violation Events 10	889	Number of violation days	
	daily weekly monthly			
	quarterly x semiannual annual single event		Violation Base Pena	\$37,500
	ly events are recommended f r, Docket No. 2019-1285-PST			1
Good Faith Efforts to Com	ply 0.0%		Reducti	on \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlem		<u> </u>
	Extraordinary Ordinary			
	N/A x		<u> </u>	
		dent does not meet the for this violation.		
			Violation Subto	\$37,500
Economic Benefit (EB) for	r this violation		<b>Statutory Limit Test</b>	
Estimat	ed EB Amount	\$351	Violation Final Penalty To	\$45,967
	This viola	ation Final Assessed F	Penalty (adjusted for limit	<b>(s)</b> \$45,967

	E	conomic	Benefit	Woı	rksheet		
Respondent	NEW CORNER	BUSINESS LLC di	oa MS Quick Ma	rt			
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					reicent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description						00000 00100	
Item Description							
Delayed Costs							
Equipment		1		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	7-Apr-2020	11-Dec-2024	4.68	\$351	n/a	\$351
Notes for DELAYED costs			of TCEQ Agreed	d Order,		he UST at the Facili 1285-PST-E and the	
Avoided Costs	ANNU	ALIZE avoided o	osts before er	ntering	item (except for	one-time avoided	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)  Notes for AVOIDED costs		<u>                                     </u>		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$1,500			TOTAL		\$351

		ening Date				<b>et No.</b> 2022-1108-PST-E		PCW
	F	Respondent	NEW CORNER E	BUSINESS LLO	C dba MS Quick M	lart e	Policy Revis	ion 5 (January 28, 2021)
		Case ID No.	58248				PCW Re	vision February 11, 2021
Reg.	Ent. Ref	erence No.	RN102469418					
		Media	Petroleum Stor	age Tank				
	Enf. C	coordinator	Celicia Garza	_				
	Viol	ation Number	2					
		Rule Cite(s)	30 Toy /	dmin Codo 8	334 50(h)(2) ar	nd Tex. Water Code § 26.3475	(2)	
			30 Tex. F	diffili. Code 9	3 334.30(b)(2) ai	id Tex. Water Code 9 20:5475	(a)	
	Violatio	n Description	•		•	ressurized piping associated valued not conducted the annual li		
			·		ector and piping t			
						Base	Penalty	\$25,000
>> En	vironme	ntai, Propei	rty and Hum		Matrix			
		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual	riajoi	rioderate	111101			
		Potential	X			Percent 15.0%		
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix	Human hoalt	h or the environ	mont will or o	ould be expected	to pollutants that would excee	nd lovels	
	Notes					eceptors as a result of the viola		
	110103	chat all o p		iaii iidaicii di		respective as a result of the risk	20111	
						Adjustment	\$21,250	
								\$3,750
							<u> </u>	\$3,730
Violati	on Even	ts						
		Number of \	/iolation Events	1		22 Number of violation o	lays	
			daily					
			weekly					
			monthly					10.750
			quarterly			Violation Base	Penalty	\$3,750
			semiannual					
			annual					
			single event	Х	<u> </u>			
				One single	event is recomm	ended		
				01.0 01.19.0				
Good F	aith Eff	orts to Com	ply	25.0%		F	Reduction	\$937
				efore NOE/NOV	NOE/NOV to EDPRE	/Settlement Offer		
			Extraordinary					
			Ordinary	Х				
			N/A					
						ne annual line leak detector		
			Notes	' ' '	9	n July 6, 2022, before the		
				August	o, ZUZZ NOTICE O	Enforcement ("NOE").		
						Violation	Subtotal	\$2,813
								+-/-23
Econor	mic Ben	efit (EB) for	this violation	on		Statutory Limit	Test	
		Estimate	ed EB Amount		\$118	<b>Violation Final Pena</b>	Ity Total	\$3,640
				This via	lation Final Acc	sessed Penalty (adjusted fo	r limite\	\$3,640

	E	conomic	Benefit	Wor	ksheet		
Respondent	<b>NEW CORNER</b>	BUSINESS LLC db	oa MS Quick Ma	t			
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418						
	Petroleum Sto						Years of
Violation No.		.aga .a				<b>Percent Interest</b>	Depreciation
Violation ito:	_					5.0	15
	<sub>-</sub> .						
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	\$0	II/d	\$0
Notes for DELAYED costs	ANNUL	ALTZE avaidad a	asta bafaya ay	tavina	itam (ayaant fan	one-time avoided	I costs)
Avoided Costs	ANNO	ALIZE avoided C	osts before er	0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$118	14-Jun-2022	6-Jul-2022	0.06	\$0	\$118	\$118
Other (as needed)	<b>VII</b> 0	11 3411 2022	0 34. 2022	0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated				•	piping tightness test date of compliance	
Approx. Cost of Compliance		\$118			TOTAL		\$118

	Scre	ening Date	13-Sep-2022		Docke	et No. 2022-1108-P	ST-E	PCW
	F	Respondent	NEW CORNER I	BUSINESS LLO	C dba MS Quick M	art	Policy R	evision 5 (January 28, 2021)
		Case ID No.	58248				PCW	/ Revision February 11, 2021
Rea.	Ent. Ref	ference No.	RN102469418					
			Petroleum Stor	age Tank				
	Enf. (	Coordinator		-9				
		ation Number		1				
	7.0.	Rule Cite(s)						
		ituic cite(s)	30	Tex. Admin.	Code § 334.8(c)(	4)(A)(vii) and (c)(5)(	3)(ii)	
						ery certificate by subr		
	Violatio	n Description	'			tion form at least 30	,	
			expiration date	<ul> <li>Specifically</li> </ul>	$\prime$ , the delivery cer	tificate expired on Fe	oruary 28, 2021.	
			<u> </u>					
							Base Penalty	\$25,000
							base Fellalty	\$23,000
>> Fnv	vironme	ntal Prone	rty and Hum	an Health	Matrix			
LIII		iitai, i iopei	ity and man	Harm	PIGGIA			
		Release	Major	Moderate	Minor			
OR		Actual			11111			
		Potential				Percent	0.0%	
		rocericiai	]	I		. creent	0.070	
>> Dro	aramma	tic Matrix						
//P10	gramma	Falsification	Major	Moderate	Minor			
		Taisincación		Hoderate	MINO	Percent	10.0%	
			Х			reiteilt	10.076	
	Matrix							
	Notes		10	00% of the rul	le requirement wa	as not met.		
	110100							
						Adjustment	\$22,500	
							-	
								\$2,500
								42,555
	_	_					,	42/300
Violation	on Even	ts					1	Ψ2/300
Violatio	on Even							¥2,555
Violatio	on Even		Violation Events	2		<mark>562</mark> Number of vi	olation days	<del>-</del> <del>-</del> <del>-</del> <del>-</del> <del>-</del> <del>-</del> <del>-</del> <del>-</del> - <del>-</del> <del>-</del>
Violatio	on Even			2		<mark>562</mark> Number of vi	olation days	<del></del>
Violatio	on Even		/iolation Events daily	2		Number of vi	olation days	<del></del>
Violatio	on Even			2		<mark>562</mark> Number of vi	olation days	<i>\( \frac{1}{2} \)</i>
Violatio	on Even		daily	2		<mark>562</mark> Number of vi	olation days	
Violatio	on Even		daily weekly	2			olation days on Base Penalty	\$5,000
Violatio	on Even		daily weekly monthly	2			,	
Violatio	on Even		daily weekly monthly quarterly	2 			,	
Violatio	on Even		daily weekly monthly quarterly semiannual				,	
Violatio	on Even		daily weekly monthly quarterly semiannual annual				,	
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	X		Violatio	on Base Penalty	
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x mmended from	the February 28	Violation date	on Base Penalty	
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x mmended from	the February 28	Violatio	on Base Penalty	
Violation	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x mmended from	the February 28	Violation date	on Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event	x x	the February 28 September 13, 2	Violation date	on Base Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event	x mmended from	the February 28 September 13, 2	Violation date of the control of the	on Base Penalty	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event	x x x x x x x x x x x x x x x x x x x	the February 28 September 13, 2	Violation date of the control of the	on Base Penalty	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recondelivery cer	x x x x x x x x x x x x x x x x x x x	the February 28 September 13, 2 NOE/NOV to EDPRP	Violation date of the control of the	on Base Penalty	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer aply  Extraordinary Ordinary	x x x x x x x x x x x x x x x x x x x	the February 28 September 13, 2	Violation date of the control of the	on Base Penalty	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recondelivery cer	x x x x x x x x x x x x x x x x x x x	the February 28 September 13, 2 NOE/NOV to EDPRP	Violation date of the control of the	on Base Penalty	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer aply  Extraordinary Ordinary	x nmended from tificate to the  10.0% Before NOE/NOV	the February 28 September 13, 2  NOE/NOV to EDPRP	, 2021 expiration date. 2022 screening date.	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer aply  Extraordinary Ordinary	x nmended from rtificate to the  10.0% Before NOE/NOV  The Respon	NOE/NOV to EDPRP	Violation, 2021 expiration date. 2022 screening date. 2022 screening date. 2023 screening date.	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer aply  Extraordinary Ordinary	x  nmended from tificate to the  10.0%  sefore NOE/NOV  The Respoiregistration	NOE/NOV to EDPRP  X  Indent submitted an and self-certifica	Violation, 2021 expiration date.  2022 screening date.  22 Settlement Offer  23 properly completed attention form and obtains	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0%  sefore NOE/NOV  The Respoiregistration valid, curre	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0%  sefore NOE/NOV  The Respoiregistration valid, curre	NOE/NOV to EDPRP  X  Indent submitted an and self-certifica	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0%  sefore NOE/NOV  The Respoiregistration valid, curre	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October	e of the previous  Reduction	\$5,000
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0%  sefore NOE/NOV  The Respoiregistration valid, curre	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	/Settlement Offer a properly completed ation form and obtain certificate on October ust 8, 2022 NOE.	e of the previous  Reduction  UST ed a - 18,	\$5,000 \$500
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0%  sefore NOE/NOV  The Respoiregistration valid, curre	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	/Settlement Offer a properly completed ation form and obtain certificate on October ust 8, 2022 NOE.	e of the previous  Reduction	\$5,000
Good F	aith Eff	Number of \ Two annual e	daily weekly monthly quarterly semiannual annual single event  events are recon delivery cer  Extraordinary Ordinary N/A Notes	x  nmended from rtificate to the  10.0% Before NOE/NOV  The Respon registration valid, curre 20	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	/Settlement Offer a properly completed ation form and obtain certificate on October ust 8, 2022 NOE.	Reduction  UST ed a - 18,  polation Subtotal	\$5,000 \$500
Good F	aith Eff	Number of \ Two annual e	daily weekly monthly quarterly semiannual annual single event events are recon delivery cer sply Extraordinary Ordinary N/A	x  nmended from rtificate to the  10.0% Before NOE/NOV  The Respon registration valid, curre 20	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October ust 8, 2022 NOE.  Violation of Viol	Reduction  UST ed a 18,  Dilation Subtotal	\$5,000 \$500 \$4,500
Good F	aith Eff	Two annual e  orts to Com	daily weekly monthly quarterly semiannual annual single event  events are recon delivery cer  Extraordinary Ordinary N/A Notes	x  nmended from tificate to the  10.0% sefore NOE/NOV  The Respoiregistration valid, curre 20	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificant TCEQ delivery	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October ust 8, 2022 NOE.  Violation of Viol	Reduction  UST ed a - 18,  polation Subtotal	\$5,000 \$500
Good F	aith Eff	Two annual e  orts to Com	daily weekly monthly quarterly semiannual annual single event  events are recon delivery cer  ply  Extraordinary Ordinary N/A  Notes	x  nmended from tificate to the  10.0% Before NOE/NOV  The Respoiregistration valid, curre 20	NOE/NOV to EDPRP  NOE/NOV to EDPRP  X  Indent submitted a and self-certificate and self-certificate and TCEQ delivery 22, after the Aug	Violation, 2021 expiration date.  2022 screening date.  22 Screening date.  23 Settlement Offer  24 properly completed ation form and obtains certificate on October ust 8, 2022 NOE.  Violation of Viol	Reduction  WST ed a 18,  Dlation Subtotal  Limit Test al Penalty Total	\$5,000 \$500 \$4,500

	E	conomic	Benefit	<b>Wor</b>	rksheet		
Respondent	NEW CORNER	BUSINESS LLC db	oa MS Quick Ma	rt			
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418						
	Petroleum Sto						Years of
Violation No.		. 3 .				Percent Interest	Depreciation
7.0.00.01.110.						5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Th B		Date Required	rillai Date	115	Interest Saveu	Costs Saveu	EB Allioulit
Item Description							
Delayed Costs	Ir————	-ir		7	1		1.0
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	ANNU	ALIZE avoided c	osts before er	<u>tering</u>		one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$82	28-Feb-2022	13-Sep-2022	0.54	\$2	\$82	\$84
Notes for AVOIDED costs	completed US interest for	ST registration and each missed rene	d self-certification	on form Date Re	(\$40 per renewal) equired is the due	ficate by submitting ), which includes acc date of the last peri te is the screening o	crued cost and od when the
Approx. Cost of Compliance		\$82			TOTAL		\$84

		ening Date	13 3cp 2022		DOCK	<b>et No.</b> 2022-1108-PST-E		PCW
	R	espondent	NEW CORNER	BUSINESS LLC	C dba MS Quick N	lart	Policy Revi	sion 5 (January 28, 2021)
	C	ase ID No.	58248				PCW Re	evision February 11, 2021
Reg. I	Ent. Ref	erence No.	RN102469418					
		Media	Petroleum Stor	age Tank				
	Enf. C	oordinator	Celicia Garza	-				
		tion Number		1				
		Rule Cite(s)		JI				
				30 Tex.	Admin. Code §	37.815(a) and (b)		
			Failed to demo	netrate accent	ahla financial ac	surance for taking corrective a	action and	
			for compens			jury and property damage ca		
	Violatio	n Description				n of a petroleum UST. Specif		
						pired on February 22, 2021.	ically, the	
			las	t illialiciai assi	urance policy exp	med on rebrudry 22, 2021.		
			<u> </u>					
						Base	e Penalty	\$25,000
								425/000
>> Env	rironmei	ntal, Prope	rty and Hun	nan Health	Matrix			
				Harm				
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0%		
				'				
>>Proc	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
			х			Percent 10.0%		
	Matrix		17	00% of the rul	e requirement w	as not met		
	Notes			50 70 OF CHE FUI	c requirement w	as not met.		
						Adjustment	\$22,500	
						Aujustillelit	\$22,300	
								\$2,500
							<u></u>	Ψ2/300
Violatio	on Event	'S						
Violatio	JII EVCIII	.5						
		Number of \	Violation Events	- 1				
						568 Number of violation	davs	
				1		Number of violation	days	
				1	I <u>L</u>	Number of violation	days	
			daily	1	l <u>L</u>	Number of violation	days	
			daily weekly	1		Number of violation	days	
			daily weekly monthly					\$2.500
			daily weekly monthly quarterly			Number of violation  Violation Base		\$2,500
			daily weekly monthly quarterly semiannual					\$2,500
			daily weekly monthly quarterly semiannual annual					\$2,500
			daily weekly monthly quarterly semiannual	X				\$2,500
	ı		daily weekly monthly quarterly semiannual annual					\$2,500
	Ī		daily weekly monthly quarterly semiannual annual	X		Violation Base		\$2,500
			daily weekly monthly quarterly semiannual annual	X	event is recomm	Violation Base		\$2,500
			daily weekly monthly quarterly semiannual annual	X	event is recomm	Violation Base		\$2,500
Good E	nith Effe		daily weekly monthly quarterly semiannual annual single event	x One single	event is recomm	Violation Base	e Penalty	
Good F	aith Effc	orts to Com	daily weekly monthly quarterly semiannual annual single event	X One single		Violation Base		\$2,500 \$250
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event	X  One single  10.0%  Before NOE/NOV	event is recomm	Violation Base	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event	X  One single  10.0%  Before NOE/NOV	NOE/NOV to EDPRE	Violation Base	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary	X One single  10.0% Sefore NOE/NOV		Violation Base	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event	X One single  10.0% Sefore NOE/NOV	NOE/NOV to EDPRE	Violation Base	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary	X One single  10.0% Sefore NOE/NOV	NOE/NOV to EDPRI	Violation Base	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary	X One single  10.0%  3efore NOE/NOV  The Res	NOE/NOV to EDPRI	Violation Base ended.  //Settlement Offer ed documentation that	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary	X One single  10.0% Before NOE/NOV  The Res	NOE/NOV to EDPRI	Violation Base ended.  //Settlement Offer ed documentation that ancial assurance for taking	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary	X One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a	NOE/NOV to EDPRI  x spondent submitted acceptable finction and for con	violation Base ended.  //Settlement Offer ed documentation that ancial assurance for taking appensating third parties for	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a bodily injury	x spondent submitted acceptable finction and for containing and property data	violation Base ended.  /Settlement Offer ed documentation that ancial assurance for taking pensating third parties for mage caused by accidental	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X One single  10.0% Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris	x spondent submitted acceptable finction and for contant property desing from the op	ended.  Violation Base  ended.  VSettlement Offer  ed documentation that ancial assurance for taking apensating third parties for mage caused by accidental eration of a petroleum UST	e Penalty	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X One single  10.0% Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris	x spondent submitted acceptable finction and for contant property desing from the op	violation Base ended.  /Settlement Offer ed documentation that ancial assurance for taking pensating third parties for mage caused by accidental	e Penalty	
Good F	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X One single  10.0% Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris	x spondent submitted acceptable finction and for contant property desing from the op	ended.  //Settlement Offer  ed documentation that ancial assurance for taking appensating third parties for mage caused by accidental eration of a petroleum UST the August 8, 2022 NOE.	e Penalty	\$250
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X One single  10.0% Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris	x spondent submitted acceptable finction and for contant property desing from the op	ended.  Violation Base  ended.  VSettlement Offer  ed documentation that ancial assurance for taking apensating third parties for mage caused by accidental eration of a petroleum UST	e Penalty	
		orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	X  One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris on Octobe	x spondent submitted acceptable finction and for contant property desing from the op	ended.  Violation Base  ended.  VSettlement Offer  ed documentation that ancial assurance for taking apensating third parties for mage caused by accidental eration of a petroleum UST the August 8, 2022 NOE.  Violation	e Penalty  Reduction	\$250
		orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A	X  One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a bodily injury releases aris on Octobe	x spondent submitted acceptable finction and for contant property desing from the op	ended.  //Settlement Offer  ed documentation that ancial assurance for taking appensating third parties for mage caused by accidental eration of a petroleum UST the August 8, 2022 NOE.	e Penalty  Reduction	\$250
		orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A  Notes	X  One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a bodily injury releases ari on Octobe	NOE/NOV to EDPRI	ended.  //Settlement Offer  ed documentation that ancial assurance for taking pensating third parties for mage caused by accidental eration of a petroleum UST the August 8, 2022 NOE.  Violation  Statutory Limit	Reduction  Subtotal	\$250 \$2,250
		orts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	X  One single  10.0%  Before NOE/NOV  The Res demonstrate corrective a bodily injury releases ari on Octobe	x spondent submitted acceptable finction and for contant property desing from the op	ended.  Violation Base  ended.  VSettlement Offer  ed documentation that ancial assurance for taking apensating third parties for mage caused by accidental eration of a petroleum UST the August 8, 2022 NOE.  Violation	Reduction  Subtotal	\$250

	E	conomic	Benefit	Wor	'ksheet		
Respondent	NEW CORNER	BUSINESS LLC di	oa MS Quick Ma	rt			
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	4					reicent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Teem Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	ANNUL	ALIZE avoided o	osts before or	toring	itom (oveent for	one-time avoided	Leosts)
Disposal	ANINO	ALIZE avoided C	osts before er	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	\$660	22-Feb-2021	13-Sep-2022	1.56	\$66	\$1,027	\$1,093
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		•			•	m UST. The Date Re aal Date is the scree	•
Approx. Cost of Compliance		\$1,027			TOTAL		\$1,093

		ening Date				et No. 2022-1108-PST-E		PCW
				BUSINESS LLC	dba MS Quick M	art	Policy Revision 5	(January 28, 2021)
		ase ID No.					PCW Revision	n February 11, 2021
Reg.	Ent. Ref	erence No.						
			Petroleum Stor	age Tank				
		coordinator	Celicia Garza	ត				
	Viola	ation Number	5					
		Rule Cite(s)		30 7	Tex. Admin. Code	§ 334.605(a)		
							6.1	
	Violatio	n Description				ss B operator within three yea Class A/B operator training cer		
	Violatio	ii bescription	last training ut	ite. Specifical	expired on May 2		Circacion	
					,,	,		
						Base	Penalty	\$25,000
>> En:	vironmo	ntal Branci	rty and Hum	an Haalth	Matrix			
// EIIV	viioiiiie	iitai, Propei	rty and Hum	Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential			X	Percent 3.0%		
>> Dro	aramma	tic Matrix						
//PIU	yı amını	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix	Human healt	th or the enviro	nment will or o	could be exposed	to insignificant amounts of po	llutants	
	Matrix Notes	that would no	ot exceed levels			ealth or environmental recept	ors as a	
	110100			resul	t of the violation.			
						Adjustment	\$24,250	
						Aujustinent	φ2 <del>4</del> ,230	
								\$750
Violati	on Even	t-c						
Violatio	on Even	LS						
		Number of \	/iolation Events	1		46 Number of violation d	ays	
			daily					
			weekly					
			monthly quarterly			Violation Base	Popalty	\$750
			semiannual			Violation base	Penalty	\$750
			annual					
			single event	Х				
				,				
				0				
				One single	event is recomme	ended.		
Good F	aith Effe	orts to Com		25.0%			eduction	\$187
				Before NOE/NOV	NOE/NOV to EDPRP	/Settlement Offer		
			Extraordinary					
			Ordinary	X				
			N/A			a contificat Class A and Class		
			Notes			certified Class A and Class before the August 8, 2022		
			Notes	D operator	NOE	_		
							<b>-</b> • • • • <del>• • • • • • • • • • • • • • •</del>	
						Violation 9	Subtotal	\$563
Econor	nic Bene	efit (EB) for	this violati	on		Statutory Limit	Test	
		Fetimate	ed EB Amount		\$1	Violation Final Penal	lty Total	\$728
		Latinidu	Ca ED Amount		Ψ±	Fiolation Fillal Fella	, iotai	Ψ120
				This vio	lation Final Ass	essed Penalty (adjusted fo	r limits)	\$728

Economic Benefit Worksheet							
Respondent NEW CORNER BUSINESS LLC dba MS Quick Mart							
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418						
Media	Petroleum Sto	rage Tank				Dawaant Tutawaat	Years of
Violation No.		-				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
ztem Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$90	21-May-2022	6-Jul-2022	0.13	\$1	n/a	\$1
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  Estimated delayed cost to re-train the certified Class A/B operator for the Facility. The Date Required is the expiration date of the previous Class A/B operator training and the Final Date is the date of compliance.  Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Avoided Costs	ANNU	ALIZE avoided C	osts before ei				
Disposal				0.00	\$0 \$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$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				, 0.00	, <del>,</del> ,	ŢŪ	<b>4</b> 9
Approx. Cost of Compliance		\$90			TOTAL		\$1

Respondent New CORNER BUSINESS LIC doe MS Quick Mart Seas ID No. 59248 Reg. Ent. Reference No. RI102409418 Media Pertoleum Storage Tank Enf. Coordinator Celicia Garza Violation Number Ruia Cite(s)  Violation Description  Violation Description  OR  Release Major Moderate Minor Potential  >> Environmental, Property and Human Health Matrix Harm Active Potential    Number of Violation Major Moderate Minor   Percent   0.0%		Screening Dat	13-Sep-2022		Docket No.	2022-1108-PST-E		PCW
Reg. Ent. Reference No. NNI0249418 Media Petroleum Storage Tank Enf. Coordinator Celcia Garza Violation Number Rule Cite(e)  Violation Description  Failed to make available to a common carrier a valid, current TCCQ delivery certificate before accepting delivery of a regulated substance into the regulated UST.  Base Penalty  \$25,000  >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 0.0%  >> Programmatic Matrix Falification Major Moderate Minor Notes 100% of the rule requirement was not met.    Matrix Notes   100% of the rule requirement was not met.				IESS LLC	dba MS Quick Mart		Policy R	evision 5 (January 28, 2021)
Media Petroteun Storage Tank   Enf. Coordinator Celicia Garza		Case ID No	<b>.</b> 58248				PCW	/ Revision February 11, 2021
First Coordinator Celica Garza   Violation Number   Sanda	Reg.	<b>Ent. Reference No</b>	RN102469418					
Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)  Failed to make available to a common carrier a valid, current TCEQ delivery critificate before accepting delivery of a regulated substance into the regulated UST.  Base Penalty \$25,000  **Percent 0.0%  **Percent 10.0%  **Violation Events  **Number of Violation Events 1 Number of violation days delivery under the violation provided to the violation days delivery under the violation provided to the violation days delivery under the violation between the violation Events 1 Number of Violation Base Penalty \$2,500  **Violation Events  **Number of Violation Events 1 Number of violation days delivery under the vio		Medi	Petroleum Storage T	ank				
Rule Cite(s)   30 Tex, Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)								
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.    Sase Penalty   \$25,000		Violation Numbe	r 6					
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.    Sase Penalty   \$25,000		Rule Cite(s	) 20 Toy Admin	Codo S 2	24 9(c)(E)(A)(i) and Toy	Water Code 5 26 24	167(2)	I
Violation Description   Certificate before accepting delivery of a regulated substance into the regulated UST.    Base Penalty   \$25,000		•	30 Tex. Admin.	code g 3.	34.6(C)(3)(A)(I) allu Tex	. Water Code 9 26.34	107(a)	I
Violation Description   Certificate before accepting delivery of a regulated substance into the regulated UST.    Base Penalty   \$25,000								I
Violation Description   Certificate before accepting delivery of a regulated substance into the regulated UST.    Base Penalty   \$25,000			Failed to make a	available	to a common carrier a va	alid current TCFO de	liverv	
See   Penalty   See		Violation Descriptio						ĺ
>> Environmental, Property and Human Health Matrix Harm Moderate Minor Actual Potential Potential Potential Potential Notes  100% of the rule requirement was not met.  Adjustment \$22,500  \$2,500  Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended.  One single event is recommended.  Good Faith Efforts to Comply Extraordinary Ordinary Ordinary Ordinary NAA Notes  10.0% Percent 0.0% Percent 10.0%  Adjustment \$22,500  \$2,500  Violation Base Penalty \$22,500  \$2,500  One single event is recommended.  Good Faith Efforts to Comply  The Respondent submitted a properly completed UST eval control and obtained a valid, current TCEQ delivery certificate on form and obtained a valid current TCEQ delivery certificate							<b>J</b>	I
>> Environmental, Property and Human Health Matrix Harm Moderate Minor Actual Potential Potential Potential Potential Notes  100% of the rule requirement was not met.  Adjustment \$22,500  \$2,500  Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended.  One single event is recommended.  Good Faith Efforts to Comply Extraordinary Ordinary Ordinary Ordinary NAA Notes  10.0% Percent 0.0% Percent 10.0%  Adjustment \$22,500  \$2,500  Violation Base Penalty \$22,500  \$2,500  One single event is recommended.  Good Faith Efforts to Comply  The Respondent submitted a properly completed UST eval control and obtained a valid, current TCEQ delivery certificate on form and obtained a valid current TCEQ delivery certificate								I
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Release   Major   Moderate   Minor   Moderate   Minor   Percent   0.0%	>> Env	vironmental, Prop	erty and Human I	Health	Matrix			
OR Actual Potential Percent 0.0%  >>Programmatic Matrix Falsification Major Moderate Minor Percent 10.0%  Matrix Notes 100% of the rule requirement was not met.  Adjustment \$22,500  \$2,500  Violation Events  Number of Violation Events 1			H					
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>>Programmatic Matrix Felsification Major Moderate Minor Felsification Major Moderate Minor Felsification Major Moderate Minor Matrix Notes  100% of the rule requirement was not met.  Adjustment \$22,500  \$2,500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily weekly monthly quarterly semiannual annual single event   x   x   x    One single event is recommended.  Good Faith Efforts to Comply 10.0% Reduction \$250  Extraordinary X Notes  The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certification on October 18, 2022, after the August 8, 2022 NOE.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation \$50  Violation Final Penalty Total \$2,809	OR							
Falsification Major Moderate Minor Percent 10.0%  Matrix Notes  100% of the rule requirement was not met.  Adjustment \$22,500  \$2,500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily weekly monthly quarterly semiannual single event is recommended.  One single event is recommended.  Cood Faith Efforts to Comply 10.0% NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x Notes  Percent 10.0%  \$22,500  \$22,500  \$22,500  \$22,500  Final Percent 10.0%  \$25,500  \$25,500  Reduction \$25,500  \$25,500  **The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on October 18, 2022, after the August 8, 2022 NDE.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0  Violation Final Penalty Total \$2,809		Potenti	al			Percent 0.0%		
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Violation Events  Number of Violation Events					A .41		¢22 E00	1
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Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$2,809			val					
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Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$2,809							<b></b> 1	18
Estimated EB Amount \$0 Violation Final Penalty Total \$2,809						Violation	Subtotal	\$2,250
Estimated EB Amount \$0 Violation Final Penalty Total \$2,809	Econon	nic Benefit (FR) fo	r this violation			Statutory Limit	Test	
This violation Final Assessed Penalty (adjusted for limits) \$2,809		Estima	ted EB Amount		\$0	Violation Final Pena	alty Total	\$2,809
\$2,809				This vist	lation Einal Account	Donalty (adjusted fo	or limita)	ቀን የሰና
				11115 VIOI	iauvii Filiai ASSESSEQ F	enaity (aujusted fo	or minus)	\$2,809

Economic Benefit Worksheet							
Respondent	NEW CORNER	BUSINESS LLC db	a MS Quick Ma	rt			
Case ID No.	58248						
Reg. Ent. Reference No.	RN102469418	<b>;</b>					
_	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	200 0050	Dute Required	i iiidi Date		ziitei est suveu	COSIS Savea	2D / mount
Item Description							
Delayed Costs							
Equipment		1		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  The Economic Benefit is included in the Economic Benefit for Violation No. 3.							
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoided	
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)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0



## Compliance History Report

Compliance History Report for CN605667203, RN102469418, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or CN605667203, NEW CORNER BUSINESS LLC Classification: SATISFACTORY

**Rating: 30.00** 

Owner/Operator: Regulated Entity:

RN102469418, MS Quick Mart

Classification: SATISFACTORY

NO

**Rating:** 30.00

Complexity Points:

Repeat Violator:

CH Group:

14 - Other

Location:

13300 Nacogdoches Road in San Antonio, Bexar County, Texas

TCEQ Region:

**REGION 13 - SAN ANTONIO** 

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION

74189

**Compliance History Period:** 

September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

July 29, 2024 **Date Compliance History Report Prepared:** 

**Agency Decision Requiring Compliance History:** 

Enforcement

**Component Period Selected:** 

July 29, 2019 to July 29, 2024

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

Name: Celicia A. Garza **Phone:** (210) 657-8422

### 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?

YES

3) Who is the current owner/operator? Autozone, Inc. OWNER since 1/1/1800

NEW CORNER BUSINESS LLC OWNER OPERATOR since 5/1/2019

4) Who was/were the prior owner(s)/operator(s)?

West Commerce Real Estate, LLC, OWNER, 8/31/1987 to 4/30/2019

RAAS, INC., OPERATOR, 7/1/1998 to 4/30/2019

#### Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 04/07/2020 ADMINORDER 2019-1285-PST-E (1660 Order-Agreed Order With Denial) 1

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.3475(c)(1)

30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)

30 TAC Chapter 334, SubChapter C 334.50(b)(2)

Description: Failed to provide release detection for the pressurized piping associated with the UST system.

**B.** Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

	N/A
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.
	charge 7. House of Moradon to hot a man amore action, not proof that a Moradon has accounty occurred.

### F. Environmental audits:

N/A

N/A

G. Type of environmental management systems (EMSs):

D. The approval dates of investigations (CCEDS Inv. Track. No.):

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/Δ

**Sites Outside of Texas:** 

N/A

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT \$ BEFORE THE ACTION CONCERNING \$ NEW CORNER BUSINESS LLC DBA MS QUICK MART; \$ RN102469418 \$ ENVIRONMENTAL QUALITY

# AGREED ORDER DOCKET NO. 2022-1108-PST-E

On \_\_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NEW CORNER BUSINESS LLC dba MS Quick Mart ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

#### FINDINGS OF FACT

- 1. Respondent owns and operates, as defined in 30 Tex. Admin. Code § 334.2, an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 13300 Nacogdoches Road in San Antonio, Bexar County, Texas (Facility ID No. 74189) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and they contain or contained a regulated petroleum substance as defined in the rules of the TCEO.
- 2. During an investigation conducted on June 14, 2022, an investigator documented that Respondent:
  - a. Failed to monitor the UST in a matter which will detect a release at a frequency of at least once every 30 days;
  - b. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, Respondent had not conducted the annual line leak detector and piping tightness tests;
  - c. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on February 28, 2021;

- d. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST. Specifically, the last financial assurance policy expired on February 22, 2021;
- e. Failed to re-train the certified Class A and Class B operator within three years of the last training date. Specifically, the previous Class A/B operator training certification expired on May 21, 2022; and
- f. 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.
- 3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
  - a. Conducted the annual line leak detector and piping tightness tests with passing results on July 6, 2022 (Conclusion of Law No. 3);
  - b. Re-trained the certified Class A and Class B operator on July 6, 2022 (Conclusion of Law No. 6);
  - c. Submitted documentation that demonstrated acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST on October 7, 2022 (Conclusion of Law No. 5); and
  - d. Submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on October 18, 2022 (Conclusions of Law Nos. 4 and 7).

### **CONCLUSIONS OF LAW**

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Water Code ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days, in violation of Tex. Water Code § 26.3475(c)(1), 30 Tex. Admin. Code § 334.50(b)(1)(A), and TCEQ Agreed Order, Docket No. 2019-1285-PST-E, Ordering Provision No. 2.a.
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide release detection for the pressurized piping associated with the UST system, in violation of Tex. WATER CODE § 26.3475(a) and 30 Tex. ADMIN. CODE § 334.50(b)(2).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent 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).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST, in violation of 30 Tex. ADMIN. CODE § 37.815(a) and (b).
- 6. As evidenced by Finding of Fact No. 2.e., 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).

- 7. As evidenced by Finding of Fact No. 2.f., Respondent 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 Tex. Water Code § 26.3467(a) and 30 Tex. Admin. Code § 334.8(c)(5)(A)(i).
- 8. Pursuant to Tex. Water Code § 7.051, TCEQ 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 \$61,571 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. Respondent paid \$1,721 of the penalty. The remaining amount of \$59,850 shall be paid in 35 monthly payments of \$1,710 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 Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: NEW CORNER BUSINESS LLC dba MS Quick Mart, Docket No. 2022-1108-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

- 2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement a release detection method for the UST at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50; and
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water 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 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.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
- 8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

NEW CORNER BUSINESS LLC dba MS Quick Mart Docket No. 2022-1108-PST-E Page 5

- 10. 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.
- 11. 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
Phy Ledtt	10/6/2025
For the Executive Director	Date
the attached Order, and I do agree to	derstand the attached Order. I am authorized to agree to the terms and conditions specified therein. I further ting payment for the penalty amount, is materially relying
I also understand that failure to comfailure to timely pay the penalty amo	ply with the Ordering Provisions in this Order and/or unt may result in:
• A negative impact on compliance	history;
• Greater scrutiny of any permit ap	plications;
	ney General's office for contempt, injunctive relief, ney fees, or to a collection agency;
<ul> <li>Increased penalties in any future</li> </ul>	enforcement actions;
	y General's office of any future enforcement actions; and
<ul> <li>TCEQ seeking other relief as auth</li> </ul>	orized by law.
In addition, I understand that any fal criminal prosecution.	sification of any compliance documents may result in
Mubarak dhuk	6a 07/10/2025
Signature - Mubarak Dhuka, Manager NEW CORNER BUSINESS LLC 13300 Nacogdoches Road San Antonio, Texas 78217	Date
☐ If mailing address has changed, p	lease check this box and provide the new address below: