

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58850  
DNR BUSINESS, INC. dba Park Place Travel Plaza fka Sunmart 121  
RN102461290  
Docket No. 2022-1661-PST-E

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**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:**

703 Highway 90 East, Sealy, Austin County<sup>1</sup>

**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:** April 25, 2025

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$27,419

**Total Paid to General Revenue:** \$784

**Total Due to General Revenue:** \$26,635

Payment Plan: 35 payments of \$761 each

**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(s):** N/A

**Date of Investigation:** May 26, 2022

**Date(s) of NOV(s):** N/A

**Date of NOE:** July 20, 2022

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<sup>1</sup> The Facility’s address is sometimes written as 5168 North-East Interstate 10 Frontage Road, Sealy, Texas 77474. These addresses refer to the same location.

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**Violation Information**

1. Failed to monitor the USTs in a manner 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. 2020-0358-PST-E, Ordering Provision No. 2.b.].
2. Failed to assure that all UST recordkeeping requirements are met [30 TEX. ADMIN. CODE § 334.10(b)(2) and TCEQ Agreed Order Docket No. 2020-0358-PST-E, Ordering Provision No. 2.a.].
3. 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)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately begin maintaining all UST records, including corrosion protection and overfill prevention records.
2. Within 30 days after the effective date of this Order:
  - a. Implement a release detection method for the USTs at the Facility; and
  - b. Conduct the annual line leak detector and piping tightness tests.
3. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2.

**Litigation Information**

**Date Petition Filed:** January 7, 2025

**Date of Service:** January 13, 2025

**Settlement Date:** April 1, 2025

**Contact Information**

**TCEQ Attorneys:** A'twar Wilkins, 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:** Eunice Adegelu, Enforcement Division, (512) 239-5082

**TCEQ Regional Contact:** Karina Rocha, Houston Regional Office, (713) 767-3500

**Respondent Contact:** Naila Hossain, President, DNR BUSINESS, INC., 5168 North-East I-10 Frontage Road, San Felipe, Texas 77474

**Respondent's Attorney:** Charley L. Smith, Smith & Associates Lawyers, PLLC, P.O. Box 865, Bellville, Texas 77418



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	25-Jul-2022	<b>Screening</b>	4-Aug-2022	<b>EPA Due</b>	
	<b>PCW</b>	23-Oct-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121				
<b>Reg. Ent. Ref. No.</b>	RN102461290				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58850	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-1661-PST-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Eunice Adegele
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$22,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$4,550
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Notes Enhancement for one Agreed Order containing a denial of liability.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$425  
Estimated Cost of Compliance \$1,826  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,300
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.4%	<b>Adjustment</b>	\$119
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided cost of compliance associated with Violation No. 3.

<b>Final Penalty Amount</b>	\$27,419
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$27,419
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$27,419
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<b>Screening Date</b>	4-Aug-2022	<b>Docket No.</b>	2022-1661-PST-E	<b>PCW</b>
<b>Respondent</b>	DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	58850			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102461290			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Eunice Adegele			

## 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> )	1	20%
	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)** 20%

### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one Agreed Order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 20%

<b>Screening Date</b>	4-Aug-2022	<b>Docket No.</b>	2022-1661-PST-E	<b>PCW</b>
<b>Respondent</b>	DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	58850			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102461290			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Eunice Adegele			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1) and TCEQ Agreed Order Docket No. 2020-0358-PST-E, Ordering Provision No. 2.b			
<b>Violation Description</b>	Failed to monitor the underground storage tanks ("USTs") in a manner which will detect a release at a frequency of at least once every 30 days.			
<b>Base Penalty</b>				\$25,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
<b>Release</b>	Major	Moderate	Minor		
Actual				<b>Percent</b>	15.0%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
<b>Matrix Notes</b>	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.				
<b>Adjustment</b>					\$21,250

\$3,750

Violation Events

Number of Violation Events	5	454	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
<b>Violation Base Penalty</b>			\$18,750
Five quarterly events are recommended from the May 7, 2021 effective date of TCEQ Agreed Order Docket No. 2020-0358-PST-E, to the August 4, 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		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$18,750

Economic Benefit (EB) for this violation

<b>Estimated EB Amount</b>	\$276	<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b>		\$22,598	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$22,598	

# Economic Benefit Worksheet

**Respondent** DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121  
**Case ID No.** 58850  
**Reg. Ent. Reference No.** RN102461290  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	7-May-2021	10-Jan-2025	3.68	\$276	n/a	\$276

### Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at the Facility. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2020-0358-PST-E, 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

\$1,500

### TOTAL

\$276

<b>Screening Date</b>	4-Aug-2022	<b>Docket No.</b>	2022-1661-PST-E	<b>PCW</b>
<b>Respondent</b>	DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121			
<b>Case ID No.</b>	58850	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN102461290	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Eunice Adegele			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.10(b)(2) and TCEQ Agreed Order Docket No. 2020-0358-PST-E, Ordering Provision No. 2.a			
<b>Violation Description</b>	Failed to assure that all UST recordkeeping requirements are met. Specifically, overfill prevention records as well as tank material or corrosion protection records were not available for review at the time of the investigation.			
<b>Base Penalty</b>				\$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
				x	<b>Percent</b> 1.0%

Matrix Notes: Less than 30% of the rule requirement was not met.

**Adjustment** \$24,750

**Violation Events**

Number of Violation Events	1	454	Number of violation days
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	daily							
	weekly							
	monthly							
	quarterly							
	semiannual							
	annual							
	single event		x					

One single event is recommended.

**Violation Base Penalty** \$250

**Good Faith Efforts to Comply** Reduction \$0

	0.0%	
		Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

**Violation Subtotal** \$250

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

Estimated EB Amount	\$14	Violation Final Penalty Total	\$301
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$301

# Economic Benefit Worksheet

**Respondent** DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121  
**Case ID No.** 58850  
**Reg. Ent. Reference No.** RN102461290  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	7-May-2021	10-Jan-2025	3.68	\$8	n/a	\$8
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)	\$45	26-May-2022	10-Jan-2025	2.63	\$6	n/a	\$6

### Notes for DELAYED costs

Estimated delayed cost to begin maintaining all corrosion protection records and make them immediately available for inspection upon request by TCEQ personnel. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2020-0358-PST-E, and the Final Date is the estimated date of compliance.

Estimated delayed cost to begin maintaining all overfill prevention records and make them immediately available for inspection upon request by TCEQ personnel. 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

**TOTAL**

\$14



<b>Screening Date</b>	4-Aug-2022	<b>Docket No.</b>	2022-1661-PST-E	<b>PCW</b>
<b>Respondent</b>	DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121			
<b>Case ID No.</b>	58850	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN102461290	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Eunice Adegele			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)			
<b>Violation Description</b>	Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.			
<b>Base Penalty</b>				\$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Violation Events**

Number of Violation Events	1	Number of violation days	70
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	daily		<b>Violation Base Penalty</b> \$3,750
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b> \$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.		
<b>Violation Subtotal</b>			\$3,750

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$135	<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b>		\$4,520	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$4,520	

## Economic Benefit Worksheet

**Respondent** DNR BUSINESS, INC. dba Park Place Travel Plaza f/k/a Sunmart 121  
**Case ID No.** 58850  
**Reg. Ent. Reference No.** RN102461290  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$118	26-May-2022	10-Jan-2025	2.63	\$16	n/a	\$16
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 conduct the annual line leak detector and piping tightness tests. 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	\$118	26-May-2022	4-Aug-2022	0.19	\$1	\$118	\$119
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness tests. The Date Required is the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$236

**TOTAL**

\$135



# Compliance History Report

Compliance History Report for CN603561432, RN102461290, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603561432, DNR BUSINESS, INC.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	9.64
<b>Regulated Entity:</b>	RN102461290, Park Place Travel Plaza	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	16.88
<b>Complexity Points:</b>	8	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	703 HIGHWAY 90 EAST, SEALY, AUSTIN COUNTY, TEXAS 77474-9253				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				
<b>ID Number(s):</b>					
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>	0080033	<b>PETROLEUM STORAGE TANK REGISTRATION</b>	1195		
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	August 30, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	August 30, 2019 to August 30, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Eunice Adegelu		<b>Phone:</b>	(512) 239-5082	

## 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:**

- |   |   |  |
|---|---|--|
| 1 | Effective Date: 05/07/2021  | ADMINORDER 2020-0358-PST-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate  |  |
|   | Citation: 30 TAC Chapter 334, SubChapter C 334.50(d)(9)(A)(v)   |  |
|   | 30 TAC Chapter 334, SubChapter D 334.72   |  |
|   | Description: Failed to report a suspected release to the agency within 24 hours of discovery. Specifically, Statistical Inventory Reconciliation ("SIR") records for the premium tank received a "fail" and the unleaded tank received an "inconclusive" test result for the month of January 2019, indicating a suspected release that was not reported. |  |
|   | Classification: Moderate  |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)  |  |
|   | 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)  |  |
|   | Description: Failed to monitor the Underground Storage Tanks ("USTs") in a manner which will detect a release at a frequency of at least once every 30 days.  |  |
|   | Classification: Moderate  |  |
|   | Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)(2)   |  |
|   | Description: Failed to assure that all UST recordkeeping requirements are met. Specifically, the tank material or corrosion protection records were not available for review at the time of the investigation.  |  |

### **B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	June 29, 2021	(1735917)
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**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  
DNR BUSINESS, INC. DBA PARK PLACE  
TRAVEL PLAZA FKA SUNMART 121;  
RN102461290

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2022-1661-PST-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DNR BUSINESS, INC. dba Park Place Travel Plaza fka Sunmart 121 ("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, represented by Charley L. Smith of the law firm Smith & Associates Lawyers, PLLC, 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 703 Highway 90 East near Sealy, Austin County, Texas (Facility ID No. 1195) (the "Facility").<sup>1</sup> The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and they contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on and around May 26, 2022, an investigator documented that Respondent:
  - a. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days;
  - b. Failed to assure that all UST recordkeeping requirements are met. Specifically, overfill prevention records as well as tank material or corrosion protection records were not available for review at the time of the investigation; and

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<sup>1</sup> The Facility's address is sometimes written as 5168 North-East Interstate 10 Frontage Road, Sealy, Texas 77474. These addresses refer to the same location.

- c. 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.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the USTs 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. 2020-0358-PST-E, Ordering Provision No. 2.b.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2) and TCEQ Agreed Order Docket No. 2020-0358-PST-E, Ordering Provision No. 2.a.
4. As evidenced by Finding of Fact No. 2.c., 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).
5. 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.
6. An administrative penalty in the amount of \$27,419 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 \$784 of the penalty. The remaining amount of \$26,635 shall be paid in 35 monthly payments of \$761 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. 6 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: DNR BUSINESS, INC. dba Park Place Travel Plaza fka Sunmart 121, Docket No. 2022-1661-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. Immediately upon the effective date of this Order, begin maintaining all UST records, including corrosion protection and overfill prevention records, in accordance with 30 TEX. ADMIN. CODE § 334.10.
  - b. Within 30 days after the effective date of this Order:
    - i. Implement a release detection method for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
    - ii. Conduct the annual line leak detector and piping tightness tests, in accordance with 30 TEX. ADMIN. CODE § 334.50.
  - c. 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 Nos. 2.a. and 2.b. The certification 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 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

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.
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



5/5/2025

For the Executive Director


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 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;
- Referral of this case to the Attorney General's office 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 Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Naila Hossein, President  
DNR BUSINESS, INC.  
5168 North-East I-10 Frontage Road  
San Felipe, Texas 77474

4/1/25

Date

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

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