

Executive Summary – Enforcement Matter – Case No. 64203
TRI-CON, INC. dba Exxxpress Mart 14
RN102469095
Docket No. 2023-0790-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Exxxpress Mart 14, 383 North LHS Drive, Lumberton, Hardin County

Type of Operation:

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

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,076

Amount Deferred for Expedited Settlement: \$2,215

Total Paid to General Revenue: \$8,861

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 27, 2023

Date(s) of NOE(s): May 30, 2023

Executive Summary – Enforcement Matter – Case No. 64203
TRI-CON, INC. dba Exxpress Mart 14
RN102469095
Docket No. 2023-0790-PST-E

Violation Information

1. Failed to monitor the USTs in a manner which will detect releases at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to conduct a test of the proper operation of the release detection equipment at least annually. Specifically, the Respondent did not conduct the annual operability testing of the automatic line leak detector equipment and the automatic tank gauging equipment for the USTs [30 TEX. ADMIN. CODE § 334.48(e)(1) and TEX. WATER CODE § 26.3475(c)(1)].
3. Failed to conduct the annual walkthrough inspection of the UST system's containment sumps [30 TEX. ADMIN. CODE § 334.48(h)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On May 8, 2023, the Respondent conducted the annual operability testing of the automatic line leak detector equipment and the automatic tank gauging equipment; and
- b. On November 21, 2023, the Respondent conducted the annual walkthrough inspection of the UST system's containment sumps.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement a release detection method for the USTs.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Faye Renfro, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1833; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Elias Sarkis, President, TRI-CON, INC., 5545 Briar Creek Drive, Port Arthur, Texas 77706

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jun-2023		
	PCW	31-Dec-2024	Screening	7-Jun-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	TRI-CON, INC. dba Exxpress Mart 14			
Reg. Ent. Ref. No.	RN102469095			
Facility/Site Region	10-Beaumont	Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	64203	No. of Violations	2
Docket No.	2023-0790-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Faye Renfro
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
---------------------------	------	-------------------	--------------------------------	-----

Notes	No adjustment for compliance history.			
--------------	---------------------------------------	--	--	--

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$375
--	-------------------	--------

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

Total EB Amounts	\$335	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,800	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,875
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	1.8%	Adjustment	\$201
---	------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2.			
--------------	---	--	--	--

Final Penalty Amount	\$11,076
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,076
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,215
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

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

PAYABLE PENALTY	\$8,861
------------------------	---------

Screening Date 7-Jun-2023

Docket No. 2023-0790-PST-E

PCW

Respondent TRI-CON, INC. dba Exxpress Mart 14

Policy Revision 5 (January 28, 2021)

Case ID No. 64203

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102469095

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 7-Jun-2023

Docket No. 2023-0790-PST-E

PCW

Respondent TRI-CON, INC. dba Exxpress Mart 14

Policy Revision 5 (January 28, 2021)

Case ID No. 64203

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102469095

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(b)(1)(A) and 334.48(e)(1) and Tex. Water Code § 26.3475(c)(1)

Violation Description

Failed to monitor the underground storage tanks ("USTs") in a manner which will detect releases at a frequency of at least once every 30 days. Also, failed to conduct a test of the proper operation of the release detection equipment at least annually. Specifically, the Respondent did not conduct the annual operability testing of the automatic line leak detector ("ALLD") equipment and the automatic tank gauging ("ATG") equipment for the USTs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

41 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One quarterly event is recommended from the April 27, 2023 investigation date to the June 7, 2023 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$231

Violation Final Penalty Total \$7,639

This violation Final Assessed Penalty (adjusted for limits) \$7,639

Economic Benefit Worksheet

Respondent TRI-CON, INC. dba Exxpress Mart 14
Case ID No. 64203
Reg. Ent. Reference No. RN102469095
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	27-Apr-2023	25-Jan-2025	1.75	\$131	n/a	\$131

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at the Facility. 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	\$100	27-Apr-2023	8-May-2023	0.03	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual operability testing of the ALLD equipment and ATG equipment for the USTs at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$1,600

TOTAL

\$231

Screening Date 7-Jun-2023 Respondent TRI-CON, INC. dba Exxpress Mart 14 Case ID No. 64203 Reg. Ent. Reference No. RN102469095 Media Petroleum Storage Tank Enf. Coordinator Faye Renfro	Docket No. 2023-0790-PST-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	---	--

Violation Number	2	Rule Cite(s)		
		30 Tex. Admin. Code § 334.48(h)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(2)		
Violation Description		Failed to conduct the annual walkthrough inspection of the UST system's containment sumps.		

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
				Percent 15.0%

>> Programmatic Matrix

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

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
---------------------	---

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	1	41	Number of violation days
----------------------------	---	----	--------------------------

	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		

One single event is recommended.

Good Faith Efforts to Comply **10.0%**

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	x		
N/A	<input type="text"/>	<input type="text"/>		

Notes	The Respondent came into compliance on November 21, 2023 after the May 30, 2023 Notice of Enforcement.
--------------	--

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Estimated EB Amount	\$104	Statutory Limit Test	
		Violation Final Penalty Total	\$3,437
This violation Final Assessed Penalty (adjusted for limits)			\$3,437

Economic Benefit Worksheet

Respondent TRI-CON, INC. dba Exxpress Mart 14
Case ID No. 64203
Reg. Ent. Reference No. RN102469095
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	27-Apr-2023	21-Nov-2023	0.57	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to conduct the annual walkthrough inspection of the UST system's containment sumps. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	27-Apr-2023	7-Jun-2023	0.11	\$1	\$100	\$101

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual walkthrough inspection of the UST system's containment sumps. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$104



Compliance History Report

Compliance History Report for CN600927453, RN102469095, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600927453, TRI-CON, INC.

Classification: SATISFACTORY

Rating: 1.88

Regulated Entity: RN102469095, Exxpress Mart 14

Classification: HIGH

Rating: 0.00

Complexity Points: 6

Repeat Violator: NO

CH Group: 14 - Other

Location: 383 North LHS Drive, Lumberton, Hardin County, Texas 77657-8622

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
44630

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: October 14, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 14, 2019 to October 14, 2024

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

Name: Faye Renfro

Phone: (512) 239-1833

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 13, 2021	(1751527)
--------	-----------------	-----------

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
TRI-CON, INC. DBA EXXPRESS
MART 14
RN102469095

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0790-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TRI-CON, INC. dba Exxpress Mart 14 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 383 North LHS Drive in Lumberton, Hardin County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,076 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,861 of the penalty and \$2,215 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms contained in this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the annual operability testing of the automatic line leak detector ("ALLD") equipment and the automatic tank gauging ("ATG") equipment at the Facility on May 8, 2023; and
 - b. Conducted the annual walkthrough inspection of the UST system's containment sumps on November 21, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 27, 2023, an investigator documented that the Respondent:

1. Failed to monitor the USTs in a manner which will detect releases at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
2. Failed to conduct a test of the proper operation of the release detection equipment at least annually, in violation of 30 TEX. ADMIN. CODE § 334.48(e)(1) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the Respondent did not conduct the annual operability testing of the ALLD equipment and the ATG equipment for the USTs.
3. Failed to conduct the annual walkthrough inspection of the UST system's containment sumps, in violation of 30 TEX. ADMIN. CODE § 334.48(h)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(2).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TRI-CON, INC. dba Exxpress Mart 14, Docket No. 2023-0790-PST-E" to:

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

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

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.

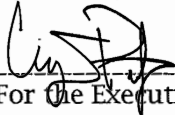
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. 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



3/10/2025

For the Executive Director

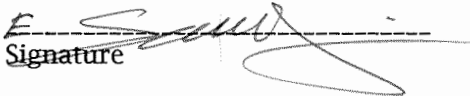
Date

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

3-24-2025
Date

ELIAS SARKIS

Name (Printed or typed)

Authorized Representative of

TRI-CON, INC. dba Exxpress Mart 14

PRESIDENT
Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.