

Executive Summary – Enforcement Matter – Case No. 65439
CAL'S CONVENIENCE, INC.
RN101875375
Docket No. 2024-0260-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Stripes 144, 1001 West 4th Street, Sterling City, Sterling 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: November 29, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,263

Amount Deferred for Expedited Settlement: \$1,652

Total Paid to General Revenue: \$6,611

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

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: December 8, 2023

Date(s) of NOE(s): January 31, 2024

Violation Information

1. Failed to monitor the USTs installed prior to January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, Tank Nos. 1

Executive Summary – Enforcement Matter – Case No. 65439
CAL'S CONVENIENCE, INC.
RN101875375
Docket No. 2024-0260-PST-E

through 5 were installed on April 1, 1986, and the Respondent was not monitoring them in a manner which will detect a release 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 monitor the USTs and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, Tank Nos. 6 and 7A and the associated piping were installed on October 26, 2015, and the Respondent was not monitoring them using interstitial monitoring as the primary form of release detection [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a) and (c)(1)].

3. Failed to conduct effective manual or automatic inventory control procedures for the USTs at the Facility. Specifically, inventory control procedures were not properly conducted for Tank Nos. 6 and 7A [30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Inventory control procedures are no longer required for Tank Nos. 6 and 7A as of February 15, 2024; and
- b. No longer operates the Facility as of April 16, 2024.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Adriana Fuentes, Enforcement Division, Enforcement Team 6, MC R-15, (956) 430-6057; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jackie Whitney, President, CAL'S CONVENIENCE, INC., 1815 Gallagher Road, Plymouth Meeting, Pennsylvania 19462

Mark G. Meleski, Environmental Compliance Manager, CAL'S CONVENIENCE, INC., 1815 Gallagher Road, Plymouth Meeting, Pennsylvania 19462

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Feb-2024	Screening	13-Feb-2024	EPA Due	
	PCW	27-Feb-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	CAL'S CONVENIENCE, INC.				
Reg. Ent. Ref. No.	RN101875375				
Facility/Site Region	8-San Angelo	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	65439	No. of Violations	1
Docket No.	2024-0260-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Adriana Fuentes
		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	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$750
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,513	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	22.4%	Adjustment	\$1,513
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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 the Violation.		
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Final Penalty Amount	\$8,263
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,263
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,652
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$6,611
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Screening Date	13-Feb-2024	Docket No.	2024-0260-PST-E	PCW
Respondent	CAL'S CONVENIENCE, INC.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65439			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101875375			
Media	Petroleum Storage Tank			
Enf. Coordinator	Adriana Fuentes			

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)

N/A **Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer **Adjustment Percentage (Subtotal 7)** -10%

>> Compliance History Summary

Compliance History Notes	Reduction for High Performer classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 13-Feb-2024 Respondent CAL'S CONVENIENCE, INC. Case ID No. 65439 Reg. Ent. Reference No. RN101875375 Media Petroleum Storage Tank Enf. Coordinator Adriana Fuentes Violation Number 1	Docket No. 2024-0260-PST-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>														
Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(b)(1)(A), (b)(1)(B), (b)(2)(A)(iii), and (d)(1)(B) and 334.48(c) and Tex. Water Code § 26.3475(a) and (c)(1)	<div style="border: 1px solid black; padding: 5px;"> <p>Failed to monitor the underground storage tanks ("USTs") installed prior to January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, Tank Nos. 1 through 5 were installed on April 1, 1986, and the Respondent was not monitoring them in a manner which will detect a release at a frequency of at least once every 30 days. Also, failed to monitor the USTs and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, Tank Nos. 6 and 7A and the associated piping were installed on October 26, 2015, and the Respondent was not monitoring them using interstitial monitoring as the primary form of release detection. Lastly, failed to conduct effective manual or automatic inventory control ("IC") procedures for the USTs at the Facility. Specifically, IC procedures were not properly conducted for Tank Nos. 6 and 7A.</p> </div>															
Violation Description																
Base Penalty \$25,000																
>> Environmental, Property and Human Health Matrix																
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Harm</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td style="text-align: center;">Moderate</td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>		Release	Major	Harm	Minor	Actual		Moderate		Potential	x				
Release	Major	Harm	Minor													
Actual		Moderate														
Potential	x															
	Percent 30.0%															
>> Programmatic Matrix																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification	Major	Moderate	Minor										
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 67 Number of violation days																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>		daily		weekly		monthly		quarterly	x	semiannual		annual		single event	
daily																
weekly																
monthly																
quarterly	x															
semiannual																
annual																
single event																
	Violation Base Penalty \$7,500															
One quarterly event is recommended from the December 8, 2023 investigation date to the February 13, 2024 screening date.																
Good Faith Efforts to Comply																
0.0%																
Reduction \$0																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> </tr> </table>		Extraordinary		Ordinary		N/A	x								
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 \$1,513	Violation Final Penalty Total \$8,263															
This violation Final Assessed Penalty (adjusted for limits) \$8,263																

Economic Benefit Worksheet

Respondent CAL'S CONVENIENCE, INC.
Case ID No. 65439
Reg. Ent. Reference No. RN101875375
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
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	8-Dec-2023	13-Feb-2024	0.18	\$13	\$1,500	\$1,513
Notes for AVOIDED costs							
Estimated avoided cost to implement effective manual or automatic IC procedures for Tank Nos. 6 and 7A and to implement a method of release detection for Tank Nos. 1 through 5 and interstitial monitoring release detection for Tank Nos. 6 and 7A and the associated piping, respectively. The Date Required is the investigation date, and the Final Date is the screening date.							

Approx. Cost of Compliance	\$1,500	TOTAL	\$1,513
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Compliance History Report

Compliance History Report for CN605603265, RN101875375, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN605603265, CAL'S CONVENIENCE, INC.	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN101875375, Stripes 144	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	1001 West 4th Street in Sterling City, Sterling County, Texas 76951				
TCEQ Region:	REGION 08 - SAN ANGELO				
ID Number(s):					
PETROLEUM STORAGE TANK REGISTRATION	10010	EMERGENCY RESPONSE ID NUMBER	R08101875375		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	September 25, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	September 25, 2019 to September 25, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Adriana Fuentes		Phone:	(956) 430-6057	

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? | Stripes LLC OWNER OPERATOR since 6/1/2011
7-Eleven, Inc. OWNER OPERATOR since 4/16/2024 |
| 4) Who was/were the prior owner(s)/operator(s)? | SUNOCO RETAIL LLC, OWNER, 1/5/2019 to 4/15/2024
Cal's Convenience, Inc., OPERATOR, 1/5/2019 to 4/15/2024 |

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	November 24, 2020	(1690865)
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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

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

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
CAL'S CONVENIENCE, INC.
RN101875375

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0260-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 CAL'S CONVENIENCE, INC. (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 operated, as defined in 30 TEX. ADMIN. CODE § 334.2(75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 1001 West 4th Street in Sterling City, Sterling 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 \$8,263 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,611 of the penalty and \$1,652 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in 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 the following:
 - a. Inventory control procedures are no longer required for Tank Nos. 6 and 7A as of February 15, 2024; and
 - b. The Respondent no longer operates the Facility as of April 16, 2024.

II. ALLEGATIONS

During an investigation at the Facility conducted on December 8, 2023, an investigator documented that the Respondent:

1. Failed to monitor the USTs installed prior to January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1). Specifically, Tank Nos. 1 through 5 were installed on April 1, 1986, and the Respondent was not monitoring them in a manner which will detect a release at a frequency of at least once every 30 days.
2. Failed to monitor the USTs and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a) and (c)(1). Specifically, Tank Nos. 6 and 7A and the associated piping were installed on October 26, 2015, and the Respondent was not monitoring them using interstitial monitoring as the primary form of release detection.
3. Failed to conduct effective manual or automatic inventory control procedures for the USTs at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, inventory control procedures were not properly conducted for Tank Nos. 6 and 7A.

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: CAL'S CONVENIENCE, INC., Docket No. 2024-0260-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. 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.
5. 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.
6. 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.

7. 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

4/4/2025

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

Date

MARK G. MELESKI

ENVIRONMENTAL COMPLIANCE
MANAGER

Name (Printed or typed)
Authorized Representative of
CAL'S CONVENIENCE, INC.

Title

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

CROMPCO/OWL SERVICES C/O SUNOCO
1815 GALLAGHER ROAD
PLYMOUTH MEETING PA 19462

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.