



TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Audrey Liter, Assistant General Counsel

Thru:  Anna Treadwell, Senior Attorney
Litigation Division

From:  Jennifer Peltier, Staff Attorney
Litigation Division

Date: February 10, 2025

Subject: **Backup Revision**
February 13, 2025 Commission Agenda
Item No. 24 OHK GLOBAL INC dba Snappy Foods 21
DOCKET NO. 2024-0370- PST-E

Enclosed please find the following:

Change Date in Unsworn Declaration:

Signature date from 15th day of October,
2024 to 7th day of February, 2025

Respondent Contact:

Seth Kretzer, Director
OHK GLOBAL INC
917 Franklin Street, Sixth Floor
Houston, Texas 77002

Please do not hesitate to call Jennifer Peltier at (512) 239-0544 if you have any questions regarding this matter.

cc: Sushil Modak, Enforcement Division
Tim Perdue, Corpus Christi Regional Office
Gill Valls, Office of the General Counsel
Michael Parrish, Enforcement Division
Leslie Gann, Enforcement Division
Stuart Beckley, Enforcement Division
Azhar Chaudhary, attorney@chaudharyjd.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JENNIFER PELTIER

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of OHK GLOBAL INC dba Snappy Foods 21' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on August 2, 2024.

The EDFARP was mailed to Respondent's last known address on August 2, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDFARP on August 6, 2024, as evidenced by the signature on the card and USPS.com "Track & Confirm" delivery confirmation records.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

By letter dated October 16, 2024, sent via first class mail and certified mail, return receipt requested article no. 7020 3160 0000 1043 9086, I provided Respondent with notice of the TCEQ's intent to order the USTs at the Facility be shut down and removed from service if the violations pertaining to release detection and spill and overfill prevention were not corrected within 30 days of Respondent's receipt of the letter. Respondent received notice on October 21, 2024, as evidenced by the signature on the card and USPS.com "Track & Confirm" delivery confirmation records.

As of the date of this declaration, I am not aware of any evidence that indicates that Respondent has corrected the release detection and spill and overfill prevention violations noted during the April 6, 2022 investigation."

"My name is Jennifer Peltier, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 7th day of February, 2025

A handwritten signature in cursive script, appearing to read "J Peltier", written in black ink.

Declarant

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Audrey Liter, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney
AT Litigation Division

From: *JP* Jennifer Peltier, Staff Attorney
Litigation Division

Date: February 7, 2025

Subject: Backup Revision
February 13, 2025 Commission Agenda
Item No. 24 OHK GLOBAL INC dba Snappy Foods 21
DOCKET NO. 2024-0370- PST-E

Enclosed please find the following:

Change Date in Unsworn Declaration:

From October 15, 2024, to October 16, 2024.

Respondent Contact:

Seth Kretzer, Director
OHK GLOBAL INC
917 Franklin Street, Sixth Floor
Houston, Texas 77002

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Declarant

Order Type:
Default Shutdown Order

Media:
PST

Small Business:
Yes

Location Where Violations Occurred:
8149 Spid Drive, Corpus Christi, Nueces County

Type of Operation:
an underground storage tank (“UST”) system and a convenience store with retail sales of gasoline

Other Significant Matters:
Additional Pending Enforcement Actions: Yes, 2024-0369-PST-E; 2024-0376-PST-E; 2024-0388-PST-E
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third Parties: None
Texas Register Publication Date: December 20, 2024
Comments Received: None

Penalty Information

Total Penalty Assessed: \$36,508
Total Paid to General Revenue: \$0
Total Due to General Revenue: \$36,508

Compliance History Classifications:
Person/CN – Satisfactory
Site/RN – High

Major Source: No
Statutory Limit Adjustment: None
Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A
Date of Investigation: April 6, 2022
Date of NOV: N/A
Date of NOE: August 15, 2022

Violation Information

1. Failed to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Also, failed to equip each separate pressurized pipe with an automatic line leak detector. In addition, failed to monitor the piping associated with the UST system installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(a) and (c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii)].
2. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Also, failed to conduct annual walkthrough inspections for regulated substance releases in the containment sump and to the environment [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and (h)(1)(B)(ii)].
3. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting within 30 days [30 TEX. ADMIN. CODE § 334.74].
4. Failed to report suspected releases to the agency within 24 hours of discovery [30 TEX. ADMIN. CODE § 334.72].
5. Failed to ensure that emergency shutoff valves (also known as shear or impact valves) are installed and securely anchored at the base of each dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].
6. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership or operator change [30 TEX. ADMIN. CODE §§ 334.7(d)(1)(A) and 334.8(c)(4)(C)].
7. Failed to assure that all spill and overfill prevention devices are maintained in good operating condition [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed: None

Technical Requirements:

1. Immediately shut down operations of all USTs at the Facility:
 - a. Cease dispensing fuel from the USTs;
 - b. Cease receiving deliveries of regulated substances into the USTs;
 - c. Secure the dispensers to prevent access;
 - d. Empty the USTs of all regulated substances; and
 - e. Temporarily remove the USTs from service.
2. The Facility's UST fuel delivery certificate is revoked immediately. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements set forth in the Order, including payment of the administrative penalty in full.
3. The USTs shall remain out of service until such time as Respondent demonstrates to the satisfaction of the Executive Director that the release detection and spill and overfill prevention violations have been corrected and Respondent obtains a new fuel delivery certificate for the Facility.
4. Immediately cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
5. Within 10 days Respondent shall surrender the Facility's UST fuel delivery certificate to the TCEQ.
6. Within 15 days submit a detailed written report documenting the steps taken to comply with Technical Requirement Nos. 1, 4 and 5.

7. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline:
 - a. Implement interstitial release detection method for the UST and the associated piping at the Facility;
 - b. Install a line leak detector for the pressurized piping associated with the regular unleaded compartment;
 - c. Conduct the triennial inspection of the spill prevention equipment;
 - d. Conduct the annual walkthrough inspection of the containment sumps;
 - e. Conduct an investigation of the suspected releases and implement appropriate corrective measures;
 - f. Develop and implement a process for reporting suspected releases timely;
 - g. Securely anchor the emergency shutoff valves at the base of each dispenser;
 - h. Properly repair the leak at the shear valve on Dispenser Nos. 3/4 and make it liquid-tight by a TCEQ licensed contractor; and
 - i. Obtain a new fuel delivery certificate.
8. Upon obtaining a new fuel delivery certificate, post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times.
9. Within 10 days of resuming sales of gasoline, submit written certification to demonstrate compliance with Technical Requirement Nos. 7 and 8.

Litigation Information

Date Petition Filed: August 2, 2024
Date of Service: August 6, 2024
Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Peltier, 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: Sushil Modak, Enforcement Division, (512) 239-2142

TCEQ Regional Contact: Tim Perdue, Corpus Christi Regional Office, (361) 881-6900

Respondent Contact: Seth Kretzer, Director, OHK GLOBAL INC, 917 Franklin Street, Sixth Floor,
Houston, Texas 77002

Respondent's Attorney: N/A

Owner Contact: Realty Income Properties 9, LLC, REALTY INCOME CORPORATION, 11995 El Camino
Real, San Diego, California, 92130

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Aug-2022	Screening	9-Dec-2022	EPA Due	
	PCW	26-Feb-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	OHK GLOBAL INC dba Snappy Foods 21				
Reg. Ent. Ref. No.	RN105873723				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	63474	No. of Violations	7
Docket No.	2024-0370-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Sushil Modak
		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	\$36,250
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes:

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 \$585
Estimated Cost of Compliance \$4,765

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.7%	Adjustment	\$258
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2 and 4.

Final Penalty Amount	\$36,508
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$36,508
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$36,508
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Screening Date	9-Dec-2022	Docket No.	2024-0370-PST-E	PCW
Respondent	OHK GLOBAL INC dba Snappy Foods 21			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63474			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN105873723			
Media	Petroleum Storage Tank			
Enf. Coordinator	Sushil Modak			

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 9-Dec-2022

Docket No. 2024-0370-PST-E

PCW

Respondent OHK GLOBAL INC dba Snappy Foods 21

Policy Revision 5 (January 28, 2021)

Case ID No. 63474

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105873723

Media Petroleum Storage Tank

Enf. Coordinator Sushil Modak

Violation Number 1

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

Violation Description

Failed to monitor the underground storage tank ("UST") installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on June 23, 2009, and the Respondent was not using interstitial monitoring as the primary release detection method. Also, failed to equip each separate pressurized pipe with an automatic line leak detector. Specifically, at the time of the investigation, the Facility did not have a line leak detector installed for the pressurized piping associated with the regular unleaded compartment. In addition, failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the piping associated with the UST system was installed on June 23, 2009, and the Respondent was not using interstitial monitoring as the primary release detection method.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 2

247 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended from the April 6, 2022 investigation date to the December 9, 2022 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$7,553

This violation Final Assessed Penalty (adjusted for limits) \$7,553

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
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	\$75	6-Apr-2022	25-Jun-2023	1.22	\$0	\$6	\$6
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	6-Apr-2022	25-Jun-2023	1.22	\$91	n/a	\$91

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection for the UST and associated piping at the Facility (\$1,500), and to install a line leak detector (\$75) for the pressurized piping associated with the regular unleaded compartment. 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

\$1,575

TOTAL

\$97

Screening Date 9-Dec-2022 Respondent OHK GLOBAL INC dba Snappy Foods 21 Case ID No. 63474 Reg. Ent. Reference No. RN105873723 Media Petroleum Storage Tank Enf. Coordinator Sushil Modak	Docket No. 2024-0370-PST-E <div style="border: 1px solid black; padding: 5px;"> Violation Number 2 </div> <div style="border: 1px solid black; padding: 5px;"> Rule Cite(s) 30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and (h)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(2) </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Violation Description Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Specifically, the Respondent had not conducted the triennial testing of the spill prevention equipment. Also, failed to conduct annual walkthrough inspections for regulated substance releases in the containment sump and to the environment. </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
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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 \$23,750		\$1,250																
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Extraordinary																		
Ordinary																		
N/A	x																	
Notes	The Respondent does not meet the good faith criteria for this violation.																	
Violation Subtotal		\$2,500																
Economic Benefit (EB) for this violation Statutory Limit Test																		
Estimated EB Amount \$218		Violation Final Penalty Total \$2,518																
This violation Final Assessed Penalty (adjusted for limits)		\$2,518																

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
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				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)	\$200	6-Apr-2022	25-Jun-2023	1.22	\$12	n/a	\$12

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the spill prevention overfill equipment (\$100) and to conduct the annual walkthrough inspection of the containment sumps (\$100). The Date Required is the investigation date, and the Final Date is the estimated compliance date.

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	6-Apr-2022	9-Dec-2022	0.68	\$3	\$100	\$103
Other (as needed)	\$100	6-Apr-2022	9-Dec-2022	0.68	\$3	\$100	\$103

Notes for AVOIDED costs

Estimated avoided cost to conduct the triennial testing of the spill prevention overfill equipment (\$100) and to conduct the annual walkthrough inspection of the containment sumps (\$100). The Date Required is the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$400

TOTAL

\$218

Screening Date 9-Dec-2022 Respondent OHK GLOBAL INC dba Snappy Foods 21 Case ID No. 63474 Reg. Ent. Reference No. RN105873723 Media Petroleum Storage Tank Enf. Coordinator Sushil Modak	Docket No. 2024-0370-PST-E <div style="border: 1px solid black; padding: 5px;"> 30 Tex. Admin. Code § 334.74 </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3		
Rule Cite(s)			
Violation Description	Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, inventory control records for the regular unleaded compartment from September 2021 through March 2022, for the super unleaded compartment from October 2021 through March 2022, and for the diesel compartment from October 2021 through March 2022 indicated suspected releases that were not investigated.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> 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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	3	370	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual	x			Violation Base Penalty \$11,250
	annual				
	single event				

Three semiannual events are recommended from the earliest suspected release investigation due date of November 30, 2021 to the December 5, 2022 screening date.

Good Faith Efforts to Comply

	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	\$11,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$141
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Statutory Limit Test

Violation Final Penalty Total	\$11,330
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This violation Final Assessed Penalty (adjusted for limits)	\$11,330
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Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,800	30-Nov-2021	25-Jun-2023	1.57	\$141	n/a	\$141
Notes for DELAYED costs Estimated delayed cost (\$1,200 for testing (\$400 per tank line x (3 tanks) = \$1,200) and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the earliest suspected release investigation due date, and the Final Date is the estimated date of compliance.							

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$1,800

TOTAL \$141

Screening Date	9-Dec-2022	Docket No.	2024-0370-PST-E	PCW
Respondent	OHK GLOBAL INC dba Snappy Foods 21	Policy Revision 5 (January 28, 2021)		
Case ID No.	63474	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN105873723			
Media	Petroleum Storage Tank			
Enf. Coordinator	Sushil Modak			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 334.72			
Violation Description	<p>Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control records for the regular unleaded compartment from September 2021 through March 2022, for the super unleaded compartment from October 2021 through March 2022, and for the diesel compartment from October 2021 through March 2022 indicated suspected releases that were not reported.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
	100% of the rule requirement was not met.				

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	3	399	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				

Violation Base Penalty \$7,500

Three single events are recommended (one single event for each UST compartment in which a suspected release occurred).

Good Faith Efforts to Comply

	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 \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$58	Violation Final Penalty Total	\$7,553	
This violation Final Assessed Penalty (adjusted for limits)			\$7,553	

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$100	6-Apr-2022	25-Jun-2023	1.22	\$6	n/a	\$6

Notes for DELAYED costs

Estimated delayed cost to develop and implement a process for reporting suspected releases timely. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	1-Nov-2021	5-Dec-2022	1.09	\$1	\$25	\$26
Other (as needed)	\$25	1-Jan-2022	5-Dec-2022	0.93	\$1	\$25	\$26

Notes for AVOIDED costs

Estimated avoided costs to report the suspected releases for three UST compartments (\$25 for one report that was due on November 1, 2021, and \$25 for two reports that were due on January 1, 2022). The Dates Required are the earliest date the suspected releases should have been reported, and the Final Date is the screening date.

Approx. Cost of Compliance

\$150

TOTAL

\$58

Screening Date 9-Dec-2022 Respondent OHK GLOBAL INC dba Snappy Foods 21 Case ID No. 63474 Reg. Ent. Reference No. RN105873723 Media Petroleum Storage Tank Enf. Coordinator Sushil Modak	Docket No. 2024-0370-PST-E <div style="border: 1px solid black; padding: 5px;"> Violation Number 5 </div> <div style="border: 1px solid black; padding: 5px;"> Rule Cite(s) 30 Tex. Admin. Code § 334.45(c)(3)(A) </div> <div style="border: 1px solid black; padding: 5px;"> Violation Description Failed to ensure that emergency shutoff valves (also known as shear or impact valves) are installed and securely anchored at the base of each dispenser. Specifically, the shear valves for Dispenser Nos. 1/2, 3/4, and 5/6 were not properly anchored. </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																		
Base Penalty \$25,000																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Release</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Harm Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td> Percent 5.0% </td> </tr> </tbody> </table>			Release	Major	Harm Moderate	Minor		Actual						Potential			x		Percent 5.0%
	Release	Major	Harm Moderate	Minor																
Actual																				
Potential			x		Percent 5.0%															
>> Programmatic Matrix																				
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	Falsification	Major	Moderate	Minor																
					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 \$23,750		\$1,250																		
Violation Events																				
Number of Violation Events 2		247 Number of violation days																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td style="text-align: center;">x</td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>	daily		weekly		monthly		quarterly		semiannual	x	annual		single event		Violation Base Penalty \$2,500				
daily																				
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Two semiannual events are recommended from the April 6, 2022 investigation date to the December 9, 2022 screening date.																				
Good Faith Efforts to Comply																				
0.0%		Reduction \$0																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Before NOE/NOV</th> <th style="width: 20%;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </tbody> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x								
	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		\$2,500																		
Economic Benefit (EB) for this violation																				
Estimated EB Amount \$25		Statutory Limit Test																		
Violation Final Penalty Total		\$2,518																		
This violation Final Assessed Penalty (adjusted for limits)		\$2,518																		

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$300	5-Apr-2022	25-Jun-2023	1.22	\$1	\$24	\$25
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Estimated delayed cost to securely anchor the emergency shutoff valves at the base of Dispenser Nos. 1/2, 3/4, and 5/6. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.							
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)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$300

TOTAL \$25

Screening Date	9-Dec-2022	Docket No.	2024-0370-PST-E	PCW
Respondent	OHK GLOBAL INC dba Snappy Foods 21	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	63474			
Reg. Ent. Reference No.	RN105873723			
Media	Petroleum Storage Tank			
Enf. Coordinator	Sushil Modak			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 334.7(d)(1)(A) and 334.8(c)(4)(C)			
Violation Description	Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership or operator change. Specifically, the delivery certificate was not renewed after the ownership and operator change on January 27, 2022.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirement was not met.				

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	1	244	Number of violation days
----------------------------	---	-----	--------------------------

daily		Violation Base Penalty \$2,500
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

One single event is recommended.

Good Faith Efforts to Comply

	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 \$2,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$3
Violation Final Penalty Total	\$2,518
This violation Final Assessed Penalty (adjusted for limits) \$2,518	

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
Media Petroleum Storage Tank
Violation No. 6

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)	\$40	27-Jan-2022	25-Jun-2023	1.41	\$3	n/a	\$3
Notes for DELAYED costs Estimated delayed cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form to obtain a valid, current TCEQ delivery certificate. The Date Required is the date of ownership and operator change 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 \$40

TOTAL \$3

Screening Date	9-Dec-2022	Docket No.	2024-0370-PST-E	PCW	
Respondent	OHK GLOBAL INC dba Snappy Foods 21				Policy Revision 5 (January 28, 2021)
Case ID No.	63474				PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105873723				
Media	Petroleum Storage Tank				
Enf. Coordinator	Sushil Modak				
Violation Number	7				
Rule Cite(s)	30 Tex. Admin. Code § 334.51(a)(6) and Tex. Water Code 26.3475(c)(2)				
Violation Description	Failed to assure that all spill and overfill prevention devices are maintained in good operating condition. Specifically, the shear valve on Dispenser Nos. 3/4 was leaking.				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
		Human health or the environment will or could be exposed to significant amounts of pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events	2	Number of violation days	247
----------------------------	---	--------------------------	-----

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	x
	annual	
	single event	

Violation Base Penalty \$2,500

Two semiannual events are recommended from the April 6, 2022 investigation date to the December 9, 2022 screening date.

Good Faith Efforts to Comply

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$43
Violation Final Penalty Total	\$2,518
This violation Final Assessed Penalty (adjusted for limits)	\$2,518

Economic Benefit Worksheet

Respondent OHK GLOBAL INC dba Snappy Foods 21
Case ID No. 63474
Reg. Ent. Reference No. RN105873723
Media Petroleum Storage Tank
Violation No. 7

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	\$500	6-Apr-2022	25-Jun-2023	1.22	\$2	\$41	\$43
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated delayed cost to fix leak at the shear valve on Dispenser Nos. 3/4 and make it liquid-tight (\$500; [\$250 per connection x 2]). 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 \$500

TOTAL \$43



Compliance History Report

Compliance History Report for CN605894831, RN105873723, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605894831, OHK GLOBAL INC	Classification:	SATISFACTORY	Rating:	13.69
Regulated Entity:	RN105873723, SNAPPY FOODS 21	Classification:	HIGH	Rating:	0.00
Complexity Points:	2	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	8149 SPID DR CORPUS CHRISTI, TX 78412-5211, NUECES COUNTY				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 80031				
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	April 02, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 25, 2019 to January 25, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Sushil Modak	Phone:	(512) 239-2142		

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? Realty Income Properties 9, LLC OWNER since 3/4/2022
Ohk Global Inc OPERATOR since 3/4/2022
- 4) Who was/were the prior owner(s)/operator(s)? JANOOB, INC., OWNER OPERATOR, 6/16/2011 to 3/3/2022
42 Convenience Holdings, LLC, OWNER, 3/4/2019 to 3/3/2022

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 17, 2021 (1755197)

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
OHK GLOBAL INC DBA SNAPPY
FOODS 21;
RN105873723

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT AND SHUTDOWN ORDER

DOCKET NO. 2024-0370-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the facility's fuel delivery certificate. The Commission also considered the Executive Director's Motion requesting the entry of an Order requiring the respondent to shut down and remove from service the underground storage tanks ("USTs") located at 8194 Spid Drive in Corpus Christi, Nueces County, Texas. The respondent made the subject of this Order is OHK GLOBAL INC dba Snappy Foods 21 ("Respondent").

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

FINDINGS OF FACT

1. Respondent operates, as defined in 30 TEX. ADMIN. CODE § 334.2(75), a UST system and a convenience store with retail sales of gasoline located at 8149 Spid Drive in Corpus Christi, Nueces County, Texas (Facility ID No. 80031) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and contain a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on April 6, 2022, an investigator documented that Respondent:
 - a. Failed to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Also, failed to equip each separate pressurized pipe with an automatic line leak detector. In addition, failed to monitor the piping associated with the UST system installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the UST was installed on June 23, 2009, and Respondent was not using interstitial monitoring as the primary release detection method and the Facility did not have a line leak detector installed for the pressurized piping associated with the regular unleaded compartment, the piping associated with the UST system was installed on June 23, 2009, and Respondent was not using interstitial monitoring as the primary release detection method;
 - b. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Also, failed to conduct annual walkthrough inspections for regulated substance releases in the containment sump and to the environment. Specifically, Respondent had not conducted the triennial testing of the spill prevention equipment;

- c. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, inventory control records for the regular unleaded compartment from September 2021 through March 2022, for the super unleaded compartment from October 2021 through March 2022, and for the diesel compartment from October 2021 through March 2022 indicated suspected releases that were not investigated;
 - d. Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control records for the regular unleaded compartment from September 2021 through March 2022, for the super unleaded compartment from October 2021 through March 2022, and for the diesel compartment from October 2021 through March 2022 indicated suspected releases that were not reported;
 - e. Failed to ensure that emergency shutoff valves (also known as shear or impact valves) are installed and securely anchored at the base of each dispenser. Specifically, the shear valves for Dispenser Nos. 1/2, 3/4, and 5/6 were not properly anchored;
 - f. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership or operator change. Specifically, the delivery certificate was not renewed after the ownership and operator change on January 27, 2022; and
 - g. Failed to assure that all spill and overfill prevention devices are maintained in good operating condition. Specifically, the shear valve on Dispenser Nos. 3/4 was leaking.
3. By letter dated August 15, 2022, Respondent was provided with written notice of the violations and of TCEQ's authority to shut down and remove from service USTs not in compliance with release detection, spill and/or overfill prevention, corrosion protection, and/or financial assurance requirements if the violations were not corrected.
4. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of OHK GLOBAL INC dba Snappy Foods 21" (the "EDFARP") in the TCEQ Chief Clerk's office on August 2, 2024.
5. By letter dated August 2, 2024, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt "green card," Respondent received notice of the EDFARP on August 6, 2024, as evidenced by the signature on the card and USPS.com "Track & Confirm" delivery confirmation records.
6. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.
7. By letter dated October 16, 2024, the Executive Director provided Respondent with notice of TCEQ's intent to order the USTs at the Facility to be shut down and removed from service if Respondent failed to correct the release detection and spill and overfill prevention violations within 30 days after Respondent's receipt of the notice.
8. As of the date of entry of this Order, Respondent has not provided the Executive Director with documentation demonstrating that the release detection and spill and overfill prevention violations alleged in Findings of Fact Nos. 2.a., 2.b., and 2.g. have been corrected.

9. The USTs at the Facility do not have release detection and spill and overfill prevention as required by TEX. WATER CODE § 26.3475(a), (c)(1) and (c)(2) and 30 TEX. ADMIN. CODE §§ 334.48(g)(1)(A)(ii) and (h)(1)(B)(ii), 334.50(b)(1)(B) and (b)(2)(A)(i) and (iii), and 334.51(a)(6), and may be releasing petroleum products to the environment. Therefore, conditions at the Facility constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the UST 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. Also, failed to equip each separate pressurized pipe with an automatic line leak detector. In addition, failed to monitor the piping associated with the UST system installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(a) and (c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(i) and (iii).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Also, failed to conduct annual walkthrough inspections for regulated substance releases in the containment sump and to the environment, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and (h)(1)(B)(ii).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to report suspected releases to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure that emergency shutoff valves (also known as shear or impact valves) are installed and securely anchored at the base of each dispenser, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership or operator change, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d)(1)(A) and 334.8(c)(4)(C).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to assure that all spill and overfill prevention devices are maintained in good operating condition, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(a)(6).
9. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
10. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

11. Pursuant to TEX. WATER CODE § 7.051, the Commission 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.
12. An administrative penalty in the amount of \$36,508 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
13. As evidenced by Findings of Fact Nos. 2.a., 2.b., 2.g. 3, 7, and 8, Respondent failed to correct documented violations of TCEQ release detection and spill and overfill prevention requirements within 30 days after Respondent received notice of the violations and notice of the Executive Director's intent to shut down the USTs at the Facility.
14. TEX. WATER CODE §§ 26.3475(e) and 26.352(i) authorize the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of TCEQ regulatory requirements relating to release detection for tanks and/or piping, spill and/or overfill prevention for tanks, corrosion protection for tanks and/or piping, and/or acceptable financial assurance.
15. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
16. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke the Facility's UST fuel delivery certificate if the Commission finds that good cause exists.
17. Good cause for revocation of the Facility's UST fuel delivery certificate exists as justified by Findings of Fact Nos. 2 and 4 through 6, and Conclusions of Law Nos. 2 through 10.
18. As evidenced by Findings of Fact Nos. 8 and 9, current conditions at the Facility constitute an imminent peril to public health, safety, and welfare. Therefore, pursuant to the Administrative Procedure Act, TEX. GOV'T CODE § 2001.144(a)(3), this Order is final and effective on the date it is signed by the Commission.

ORDERING PROVISIONS

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

1. Immediately upon the effective date of this Order, Respondent shall take the following steps to shut down operations of all USTs at the Facility:
 - a. Cease dispensing fuel from the USTs;
 - b. Cease receiving deliveries of regulated substances into the USTs;
 - c. Secure the dispensers to prevent access;
 - d. Empty the USTs of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and
 - e. Temporarily remove the USTs from service in accordance with 30 TEX. ADMIN. CODE § 334.54.
2. The Facility's UST fuel delivery certificate is revoked immediately upon the effective date of this Order. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements set forth in this Order, including payment of the administrative penalty in full.

3. The USTs at the Facility shall remain out of service, pursuant to TEX. WATER CODE § 26.3475(e) and as directed by Ordering Provisions Nos. 1.a. through 1.e. until such time as Respondent demonstrates to the satisfaction of the Executive Director that the release detection and spill and overfill prevention violations noted in Conclusions of Law Nos. 2, 3, and 8 have been corrected and Respondent obtains a new fuel delivery certificate for the Facility.
4. Immediately upon the effective date of this Order, Respondent shall cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ in accordance with 30 TEX. ADMIN. CODE §§ 334.7 and 334.8.
5. Within 10 days after the effective date of this Order, Respondent shall send the Facility's UST fuel delivery certificate to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
6. Within 15 days after the effective date of this Order, Respondent shall submit a detailed written report, in accordance with Ordering Provision No. 13 documenting the steps taken to comply with Ordering Provision Nos. 1.a. through 1.e., 4 and 5.
7. If Respondent elects to permanently remove from service any portion of the UST system at the Facility, Respondent shall, immediately upon the effective date of this Order, permanently remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.55, and within 15 days after the effective date of this Order, shall submit a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55 to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
8. Respondent is assessed an administrative penalty in the amount of \$36,508 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the 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.
9. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: OHK GLOBAL INC dba Snappy Foods 21; Docket No. 2024-0370-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
10. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline, Respondent shall undertake the following technical requirements:
 - a. Implement interstitial release detection method for the UST and the associated piping at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;

- b. Install a line leak detector for the pressurized piping associated with the regular unleaded compartment, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - c. Conduct the triennial inspection of the spill prevention equipment, in accordance with 30 TEX. ADMIN. CODE § 334.48;
 - d. Conduct the annual walkthrough inspection of the containment sumps, in accordance with 30 TEX. ADMIN. CODE § 334.48;
 - e. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74;
 - f. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - g. Securely anchor the emergency shutoff valves at the base of each dispenser, in accordance with 30 TEX. ADMIN. CODE § 334.45;
 - h. Properly repair the leak at the shear valve on Dispenser Nos. 3/4 and make it liquid-tight by a TCEQ licensed contractor, in accordance with 30 TEX. ADMIN. CODE § 334.51; and
 - i. Submit a properly completed UST registration and self-certification form and obtain valid, current TCEQ delivery certificate.
11. Upon obtaining a new fuel delivery certificate, Respondent shall post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii).
12. Within 10 days of resuming retail sales of gasoline, Respondent shall submit written certification, in accordance with Ordering Provision No. 13 to demonstrate compliance with Ordering Provision Nos. 10 and 11.
13. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401-0318

14. All relief not expressly granted in this Order is denied.
15. The provisions of 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.
16. 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.
17. 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.
18. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
19. 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.
20. 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.
21. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JENNIFER PELTIER

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of OHK GLOBAL INC dba Snappy Foods 21' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on August 2, 2024.

The EDFARP was mailed to Respondent's last known address on August 2, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDFARP on August 6, 2024, as evidenced by the signature on the card and USPS.com "Track & Confirm" delivery confirmation records.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

By letter dated October 15, 2024, sent via first class mail and certified mail, return receipt requested article no. 7020 3160 0000 1043 9086, I provided Respondent with notice of the TCEQ's intent to order the USTs at the Facility be shut down and removed from service if the violations pertaining to release detection and spill and overfill prevention were not corrected within 30 days of Respondent's receipt of the letter. Respondent received notice on October 21, 2024, as evidenced by the signature on the card and USPS.com "Track & Confirm" delivery confirmation records.

As of the date of this declaration, I am not aware of any evidence that indicates that Respondent has corrected the release detection and spill and overfill prevention violations noted during the April 6, 2022 investigation."

"My name is Jennifer Peltier, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 15th day of October, 2024

A handwritten signature in cursive script, appearing to read "J Peltier", written in black ink.

Declarant