EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 63473 OHK GLOBAL INC dba Snappy Foods 20 RN105021364

Docket No. 2024-0371-PST-E

Order Type:

Default Shutdown Order

Media:

PST

Small Business:

Yes

Location Where Violations Occurred:

4817 Ayers Street, 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; 2022-1056-PST-E; 2023-1294-PST-E;

> 2024-0367-PST-E: 2024-0368-PST-E: 2024-0369-PST-E: 2024-0370-PST-E; 2024-0372-PST-E; 2024-0373-PST-E; 2024-0374-PST-E; 2024-0375-PST-E; 2024-0376-PST-E; 2024-0387-PST-E; 2024-0388-PST-E; 2024-0389-PST-E;

2024-0390-PST-E

Past-Due Penalties: None Past-Due Fees: None Other: None Interested Third-Parties: None

Texas Register Publication Date: October 11, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$42,285

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$42,285

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: April 5, 2022

Date of NOV: N/A

Date of NOE: July 25, 2022

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Violation Information

- 1. Failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days [Tex. Water Code § 26.3475(c)(1) and 30 Tex. Admin. Code § 334.50(b)(1)(A)].
- 2. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight and failed to conduct annual walkthrough inspections for the 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 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)].
- 6. Failed to ensure that emergency shutoff valves are installed and securely anchored at the base of each dispenser [30 Tex. ADMIN. CODE § 334.45(c)(3)(A)].
- 7. Failed to assure that 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;
 - 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 TCEO.
- 5. Within 10 days 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.a through 1.e., 4 and 5.
- 7. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline:

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- a. Implement a release detection method for the UST at the Facility;
- b. Install line leak detectors on the regular unleaded pressurized line;
- 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 shear valves at the base of each dispenser;
- h. Install automatic shutoff valves on each UST;
- i. Properly repair the connection points leaks at the product piping connected to Dispenser Nos. 1/2, 3/4, 9/10, and 11/12 by a TCEQ licensed contractor; and
- j. 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: May 23, 2024 **Date of Service:** May 29, 2024

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, Registered Agent and Director, OHK GLOBAL INC, 917 Franklin

Street, Sixth Floor, Houston, Texas 77002

Respondent's Attorney: N/A

Owner Contact: Corporation Service Company dba CSC-Lawyer Incorporating Service Company,

Registered Agent for Realty Income Properties 9, LLC, 211 East 7th Street, Suite 620,

Austin. Texas 78701-3218

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES

Assigned 6-Dec-2022

Screening 8-Dec-2022

EPA Due PCW 6-Jan-2023

RESPONDENT/FACILITY INFORMATION Respondent OHK GLOBAL INC dba Snappy Foods 20 Reg. Ent. Ref. No. RN105021364 Major/Minor Source Minor Facility/Site Region 14-Corpus Christi

CASE INFORMATION Enf./Case ID No. 63473 No. of Violations 7 **Docket No.** 2024-0371-PST-E Order Type Findings Media Program(s) Petroleum Storage Tank Government/Non-Profit No Enf. Coordinator Sushil Modak Multi-Media EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum Maximum

			Penalty C	alcula [:]	tion Sectio	n		
TOTA	L BASE PENA	LTY (Sum o	f violation base	e penalt	ties)		Subtotal 1	\$35,000
ADIU	STMENTS (+	/-) TO SURT	OTAL 1					
AD30.			g the Total Base Penalty	(Subtotal 1) by the indicated pe	ercentage.		
	Compliance Hi	story		20.0%	Adjustment	Subto	tals 2, 3, & 7	\$7,000
	Notes	Enhanceme	ent for one prior ord	ler contaiı	ning a denial of	liability.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes							
	Good Faith Eff	ort to Comply	Total Adjustments	.			Subtotal 5	\$0
		. ,						·
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	4021	*Capped	d at the Total EB \$ A	mount		·
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$42,000
OTHE	R FACTORS A	AS JUSTICE I	MAY REQUIRE		0.7%		Adjustment	\$285
	or enhances the Fina						1	· · · · · · · · · · · · · · · · · · ·
	Notes	Recommended	enhancement to ca associated with Vi	•		compliance		
		ļ				Final Per	alty Amount	\$42,285
STATI	UTORY LIMIT	T ADJUSTME	NT			Final Asse	ssed Penalty	\$42,285
DEFEI Reduces t	RRAL the Final Assessed Pe	enalty by the indicate	ed percentage.		0.0%	Reduction	Adjustment	\$0
	Notes	No	deferral is recomme	ended for	Findings Orders			
PAYA	BLE PENALT	Y						\$42,285

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Screening Date 8-Dec-2022

Docket No. 2024-0371-PST-E

Respondent OHK GLOBAL INC dba Snappy Foods 20

Case ID No. 63473

Reg. Ent. Reference No. RN105021364

Media Petroleum Storage Tank

Enf. Coordinator Sushil Modak

		Compliance History Worksheet			
·> Co	mpliance Hist Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment Per	centage (Sub	total 2) 20)%
> Re	peat Violator	(Subtotal 3)			
	No	Adjustment Per	centage (Sub	total 3) 0	%
> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Per	centage (Sub	ototal 7) 0	%
> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for one prior order containing a denial of liability.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 20)%
> Fina	al Compliance	History Adjustment			
		Final Adjustment Percenta	age *capped	at 100% 20	ე%

	Screening Date	8-Dec-2022		Docket No.	2024-0371-PST-E		PCW
	Respondent		IC dba Snapp	y Foods 20		Policy Re	evision 5 (January 28, 2021)
_	Case ID No.					PCW	Revision February 11, 2021
Reg.	Ent. Reference No.						
		Petroleum Stora	age Tank				
	Enf. Coordinator Violation Number						
	Rule Cite(s)	30 Tex. Adm	in. Code § 33	34.50(b)(1)(A) and Tex	. Water Code 26.3475	5(c)(1)	
		Fa:lad ka			LICTII) :	النبي مامنما	
	Violation Description			rground storage tank (" : a frequency of at least			
		detec	c a release ac	a frequency of acticase	once every 50 daysi		
					_		+25.000
					Base	Penalty	\$25,000
>> Env	vironmental, Prope	rtv and Hum	an Health	Matrix			
	, , , , , , , , , , , , , , , , , , , ,		Harm				
0.0	Release	Major	Moderate	Minor			
OR	Actual				Downert 15.00/		
	Potential	Х			Percent 15.0%		
>>Pro	grammatic Matrix						
,,,,,,	Falsification	Major	Moderate	Minor			
					Percent 0.0%		
				r could be exposed to p			
	Notes levels that	it are protective	of human he	alth or environmental r	eceptors as a result o	of the	
				violation.			
				۸d	ustment	\$21,250	
				Auj	ustillelit	\$21,23U	
							\$3,750
Violatio	on Events						
	Number of V	/iolation Events	2	247	Number of violation	davs	
				217		uu,0	
		daily					
		weekly					
		monthly					
		quarterly			Violation Base	Penalty	\$7,500
		semiannual annual	Х				
		single event					
		Single event					
	Two comia	nnual ovents are	rocommond	ed from the April 5, 20	22 investigation date	to the	
	Two Serina	illiuai evelits are		, 2022 screening date.	22 investigation date	to the	
				,			
Good F	aith Efforts to Com	nly	0.0%			Reduction	\$0
JUUU F	and Life to Coll		efore NOE/NOV	NOE/NOV to EDPRP/Settlem		Reduction	φ0
		Extraordinary		,			
		Ordinary					
		N/A	Х				
			The Posses	dent does not most the	good faith critoria		
		Notes	me kespon	dent does not meet the for this violation.	_		
					Violation	Subtotal	\$7,500
					VIOIALION	Subtotal	φ1,300
Econor	nic Benefit (EB) for	this violation	n		Statutory Limit	Test	
	Estimate	ed EB Amount		\$112 V	iolation Final Pena	Ity Total	\$9,061
			This viola	tion Final Assessed P	enalty (adjusted fo	r limita)	¢0.061
			i ilis viola	tion Final Assessed P	enaity (adjusted fo	, illinits)	\$9,061

	E	conomic	Benefit	Woı	rksheet		
Respondent	OHK GLOBAL	INC dba Snappy F	oods 20				
Case ID No.	63473	,					
Reg. Ent. Reference No.	RN105021364	l.					
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
 Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	5-Apr-2022	2-Oct-2023	1.49	\$112	n/a	\$112
Notes for DELAYED costs	Requ	uired is the investi	gation date and	the Fin	al Date is the estin	he UST at the Facilit nated date of compl	iance.
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,500			TOTAL		\$112

Respondent Offic SLIDARL, INC dub Snappy Foods 20 Reg, Ent. Reference No. 81,10502/1304 Media Petroleum Storage Tank Enf. Coordinator Susual Modaze Violation Number Rule Cite (s) Rule			ning Date			2024-0371-PST-E		PCW
Reg. Ent. Reference No. NN1050213464 Media Petroleum Storage Tank Enf. Coordinator Sushii Modsk Violation Number Rule Cite(e) Falled to test the spill prevention equipment at least once every three years to sense the equipment is liquid byth. Specifically, the Respondent had not conducted withcrough inspections for regulated abstrance releases in the containment sumy withcrough inspections for regulated abstrance releases in the containment sum and to the environment. Percent 5.0% >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 5.0% >> Percent 5.0% >> Percent 5.0% Percent 5.0%		Re	espondent	OHK GLOBAL INC dba Snap	py Foods 20		Policy Revision 5 (3	anuary 28, 2021)
Media Petroleum Storage Tank		Ca	ase ID No.	63473			PCW Revision F	ebruary 11, 2021
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Weekly W		Violation	Docerintion					
Sase Penalty 975,000		Violation	Description					
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Number of Violation Events 1 218 Number of violation days daily	Violati	ion Event	s					
daily weekly monthly quarterly semiannual annual single event x One single event is recommended. Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer			_			_		
Weekly monthly quarterly semiannual annual single event x Violation Base Penalty \$1,250 One single event x Violation Base Penalty \$1,250			Number of V	/iolation Events 1	218	Number of violation d	ays	
Weekly monthly quarterly semiannual annual single event x Violation Base Penalty \$1,250 One single event x Violation Base Penalty \$1,250					¬			
monthly quarterly semiannual annual single event x Semiannual					4			
Quarterly semiannual annual annual single event is recommended. One single event is recommended. One single event is recommended. One single event is recommended. Sefore 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 \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				·				
Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510					-	Violation Base	Denalty	\$1.250
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510						Violation base	renaity	Ψ1,250
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 \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510					1			
Good Faith Efforts to Comply 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 \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510								
Good Faith Efforts to Comply 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 \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510		_	•	_	- 1			
Good Faith Efforts to Comply 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 \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510								
Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510				One single	e event is recommended.			
Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510		L						
Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation \$222 Violation Final Penalty Total \$1,510	Good I	Faith Effo	rts to Com	nlv 0.0%		R	eduction	\$0
Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510								
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				Extraordinary				
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				Ordinary				
Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				N/A x				
Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				The Deeper	dant dags not most the	and faith critoria for		
Violation Subtotal \$1,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$222 Violation Final Penalty Total \$1,510				Notes The Respon	_	ood faith criteria for		
Economic Benefit (EB) for this violation Statutory Limit Test Violation Final Penalty Total \$1,510					this violation.			
Economic Benefit (EB) for this violation Statutory Limit Test Violation Final Penalty Total \$1,510						Violetie- (Subtotal	¢1 7E0
Estimated EB Amount \$222 Violation Final Penalty Total \$1,510						violation	วนมเบเสา	\$1,230
	Econo	mic Bene	fit (EB) for	this violation		Statutory Limit	Test	
			Estimate	ed EB Amount	\$222	Violation Final Penal	ity Total	\$1 5 10
This violation Final Assessed Penalty (adjusted for limits) \$1,510					¥ -	i mai i cilai		Ψ1,510
				This vi	olation Final Assessed	Penalty (adjusted for	r limits)	\$1,510

	E	conomic	Benefit	Wor	ksheet		
Respondent	OHK GLOBAL	INC dba Snappy F	oods 20				
Case ID No.	63473	,					
Reg. Ent. Reference No.	RN105021364						
	Petroleum Sto						Years of
Violation No.		.aga .a				Percent Interest	Depreciation
Violation No.	_					5.0	15
	Thom Cook	Data Bassisad	Final Date	Vec	Interest Saved	Costs Saved	EB Amount
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		 		7			
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 Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	5-Apr-2022	2-Oct-2023	0.00 1.49	\$0 \$15	n/a n/a	\$0 \$15
Other (as needed)		-					
		•		_	• •	tion overfill equipme	*
Notes for DELAYED costs	to conduct the				•	(\$100). The Date	Required is the
		investigation	date, and the Fi	nal Date	e is the estimated of	compliance date.	
Avoided Costs	ANNU	ALTZE avoided o	osts hefore en	terina	item (except for	one-time avoided	L costs)
Disposal		TELLE GVOIGEG	JOSES BOTOTO CIT	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)	\$200	5-Apr-2022	8-Dec-2022	0.68	\$7	\$200	\$207
	Estimated and				- C. L.	Li	
				_	• •	tion overfill equipme	*
Notes for AVOIDED costs	to conduct the				•	(\$100). The Date	Required is the
		investig	ation date, and	the Fina	al Date is the scree	ening date.	
Ammon Coat of Compiler		\$400			TOTAL		\$222
Approx. Cost of Compliance	1	54001					

	50.0	ening Date	O DCC ZOZZ		DOCK	et No. 2024-0371-PST-E	PC	
	F	Respondent	OHK GLOBAL I	NC dba Snapp	y Foods 20		Policy Revision 5 (January 28,	, 2021)
	(Case ID No.	63473				PCW Revision February 11	. 2021
Rea		ference No.					,	, ·
iteg.			Petroleum Stor	rago Tank				
	Enf (rage rank				
		coordinator		a				
	Viol	ation Number	3					
		Rule Cite(s)		31	0 Tex. Admin. Co	de 8 334 74		
			Failed to inv	estigate and c	onfirm all suspec	ted releases of regulated substa	ances	
				-	•	ode § 334.72 (relating to Report		
						cally, inventory control records		
			·	•		per 2021 through March 2022,		
	Violatio	n Description				mber 2021 and October 2021,		
						or the diesel compartment from		
						ecember 2021 through March 2		
						at were not investigated.	.022,	
				mulcated susp	ected releases til	at were not investigated.		
							_	
						Base F	Penalty \$2.	5,000
>> Env	vironme	ntal, Prope	rty and Hun		Matrix			
				Harm				
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential	Х			Percent 15.0%		
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
				<u> </u>		3.3.3		
	Matrix	Human healt	h or the enviror	nment will or o	ould be exposed	to pollutants that would exceed	levels	
	Notes				•	ceptors as a result of the violat		
							11 150	
						Adjustment	21,250	
						Adjustment		
						Adjustment		3,750
	_					Adjustment		3,750
Violatio	on Even	ts				Adjustment <u>s</u>		3,750
Violatio	on Even						\$:	3,750
Violatio	on Even		/iolation Events	3		Adjustment s	\$:	3,750
Violatio	on Even		/iolation Events	3			\$:	3,750
Violatio	on Even		/iolation Events daily	3			\$:	3,750
Violatio	on Even			3			\$:	3,750
Violatio	on Even		daily	3			\$:	3,750
Violatio	on Even		daily weekly monthly	3			ys	3,750
Violatio	on Even		daily weekly monthly quarterly	3 x		373 Number of violation da	ys	·
Violatio	on Even		daily weekly monthly quarterly semiannual	X		373 Number of violation da	ys	·
Violatio	on Even		daily weekly monthly quarterly semiannual annual	x		373 Number of violation da	ys	·
Violatio	on Even		daily weekly monthly quarterly semiannual	x		373 Number of violation da	ys	·
Violatio	on Even		daily weekly monthly quarterly semiannual annual	x		373 Number of violation da	ys	·
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	X	d from the earlie	373 Number of violation da	ys Penalty \$1	·
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende		Number of violation da Violation Base F	ys Penalty \$1	·
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende		Number of violation da Violation Base F	ys Penalty \$1	·
		Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende ober 30, 2021		Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date.	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende ber 30, 2021	to the December	Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date. Re	ys Penalty \$1	·
		Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende ber 30, 2021 0.0% Before NOE/NOV		Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date. Re	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende ber 30, 2021 0.0% Before NOE/NOV	to the December	Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date. Re	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event	x e recommende ber 30, 2021 0.0% Before NOE/NOV	to the December	Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date. Re	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event mual events are date of Novem	x e recommende ber 30, 2021 0.0% Before NOE/NOV	to the December	Number of violation da Violation Base I st suspected release investigati 8, 2022 screening date. Re	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event mual events are date of Novem ply Extraordinary Ordinary	x e recommende ber 30, 2021 0.0% Before NOE/NOV	NOE/NOV to EDPRP	Violation Base For st suspected release investigating, 2022 screening date.	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event anual events are date of Novem Extraordinary Ordinary N/A	x e recommende ber 30, 2021 0.0% Before NOE/NOV x The Responder	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event mual events are date of Novem ply Extraordinary Ordinary	x e recommende ber 30, 2021 0.0% Before NOE/NOV x The Responder	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event anual events are date of Novem Extraordinary Ordinary N/A	x e recommende ber 30, 2021 0.0% Before NOE/NOV x The Responder	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer	ys Penalty \$1	1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event anual events are date of Novem Extraordinary Ordinary N/A	x e recommende ber 30, 2021 0.0% Before NOE/NOV x The Responder	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer et the good faith criteria for ation.	ys Penalty \$1 on due duction	\$0
		Number of \	daily weekly monthly quarterly semiannual annual single event anual events are date of Novem Extraordinary Ordinary N/A	x e recommende ber 30, 2021 0.0% Before NOE/NOV x The Responder	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer	ys Penalty \$1 on due duction	1,250
Good F	aith Eff	Three semian	daily weekly monthly quarterly semiannual annual single event nual events are date of Novem Extraordinary N/A Notes	x e recommende aber 30, 2021 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer et the good faith criteria for ation. Violation Si	ys Penalty \$1 on due duction \$1	\$0
Good F	aith Eff	Number of \	daily weekly monthly quarterly semiannual annual single event nual events are date of Novem Extraordinary N/A Notes	x e recommende aber 30, 2021 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer et the good faith criteria for ation.	ys Penalty \$1 on due duction \$1	\$0
Good F	aith Eff	Three semian	daily weekly monthly quarterly semiannual annual single event and events are date of Novem Extraordinary Ordinary N/A Notes	x e recommended ber 30, 2021 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Base For Statutory Limit T	ys Penalty \$1 on due duction \$1	\$0 1,250
Good F	aith Eff	Three semian	daily weekly monthly quarterly semiannual annual single event nual events are date of Novem Extraordinary N/A Notes	x e recommended ber 30, 2021 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Base I St suspected release investigati 8, 2022 screening date. Re /Settlement Offer et the good faith criteria for ation. Violation Si	ys Penalty \$1 on due duction \$1	\$0
Good F	aith Eff	Three semian	daily weekly monthly quarterly semiannual annual single event and events are date of Novem Extraordinary Ordinary N/A Notes	x e recommende ber 30, 2021 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRE	Violation Base For Statutory Limit T	ys Penalty \$1 on due duction \$1 est y Total \$1	\$0 \$0

	E	conomic	Benefit	Woi	rksheet		
_		INC dba Snappy F	oods 20				
Case ID No.							
Reg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	r	1		1 0 00	1 +0	1 +0	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/Construction				0.00	\$0	\$0 \$0	\$0 \$0
Lingineering/ construction 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	2-Oct-2023	1.84	\$165	n/a	\$165
Notes for DELAYED costs	Release D appropriate	etermination Repo corrective measu date, an	ort) to conduct a ires. The Date R id the Final Date	in inves equired is the e	tigation of the susp is the earliest susp estimated date of c		implement stigation due
Avoided Costs	ANNU	ALIZE avoided o	osts before en		<u> </u>	one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				<u> 0.00</u>	1 20	30	\$0
Approx. Cost of Compliance		\$1,800			TOTAL		\$165

Screening Date		Docket No. 2024-0371-PST-E	PCW
Respondent	OHK GLOBAL INC dba Snap	py Foods 20	Policy Revision 5 (January 28, 2021)
Case ID No.			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105021364		
Media	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number	4		
Rule Cite(s)	3	30 Tex. Admin. Code § 334.72	
		70 TEXT / Idillini Code 3 55 11/2	
	Failed to report suspected	d releases to the agency within 24 hours of disc	overy.
		trol records for the regular unleaded compartme	
		March 2022, for the super unleaded compartmen	
Violation Description		per 2021, and December 2021 through March 20	
		ent from from September 2021 and October 202 March 2022, indicated suspected releases that w	
	December 2021 tillough i	reported.	ere not
		. Срокова	
		Rase	Penalty \$25,000
		5450	\$23,000
>> Environmental, Prope	erty and Human Health	n Matrix	
	Harm		
Release		Minor	
OR Actua		Barrant 0.000	
Potentia		Percent 0.0%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
T dismodification	X	Percent 10.0%	
<u></u>			
Matrix	100% of the ru	ıle requirement was not met.	
Notes		•	
		Adjustment	\$22,500
			10.500
			\$2,500
Violation Events			
Violation Events			
Number of	Violation Events 3	433 Number of violation d	ays
			·
	daily		
	weekly		
	monthly		
	quarterly	Violation Base	Penalty \$7,500
	semiannual		
	annual		
	single event x		
Three singl		one single event for each UST compartment in w	<mark>vhich a v</mark>
	suspect	ted release occurred).	
<u> </u>			
Good Faith Efforts to Con			eduction \$0
		NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A x		
	The Pesnon	dent does not meet the good faith criteria for	
	Notes	this violation.	
		\$25_15	Cubtatal +7.500
		Violation 9	Subtotal \$7,500
Economic Benefit (EB) fo	r this violation	Statutory Limit	Test
Estimat	ted EB Amount	\$59 Violation Final Pena	ity Total \$9,061
	This vie	olation Final Assessed Penalty (adjusted fo	r limits) \$9,061

	E	conomic	Benefit	Woi	ksheet		
Case ID No.	63473	INC dba Snappy F	oods 20				
Reg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
Violation No.	T					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$100	5-Apr-2022	2-Oct-2023	0.00 1.49	\$0 \$7	n/a n/a	\$0 \$7
Notes for DELAYED costs	Date Re	quired is the inve	stigation date, a	nd the	Final Date is the es	g suspected release stimated date of cor	npliance.
Avoided Costs	ANNU	ALIZE avoided o	osts before en	tering	item (except for	one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance	105			0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	1-Feb-2022	8-Dec-2022	0.85	\$1	\$25	\$26
Other (as needed)	\$25	1-Nov-2021	8-Dec-2022	1.10	\$1	\$25	\$26
Notes for AVOIDED costs	that was due	on 1-Feb-2022, a	and \$25 for two	reports	that were due on a ve been reported, a	compartments (\$25 1-Nov-2021). The Dand the Final Date is	ates Required
Approx. Cost of Compliance		\$150			TOTAL		\$59

	Screening Date	8-Dec-2022		Docket I	Vo. 2024-0371-PST-E		PCW
	Respondent	OHK GLOBAL IN	IC dba Snapp	y Foods 20		Policy R	evision 5 (January 28, 2021
	Case ID No.					PCW	/ Revision February 11, 202
Reg.	Ent. Reference No.						
		Petroleum Stora	ige Tank				
	Enf. Coordinator						
	Violation Number	5					ı
	Rule Cite(s)	30	Tex. Admin.	Code §§ 334.7(d)(1)	(A) and 334.8(c)(4)(C)		Í
				(1)(1)	() (-) (-)		I
							Í
					certificate by submitting a form within 30 days of ov		Í
	Violation Description				tificate was not renewed		Í
				d operator change of		arcer cire	Í
			·		•		Í
					Base	Penalty	\$25,000
>> En:	vironmental, Prope	rty and Hum	an Haalth	Matrix			
// EII	vii oiiiileiitai, Prope	ity and num	Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percent 0.0%		
>>Pro	grammatic Matrix	Maiau	Madausta	Minan			
	Falsification	Major	Moderate	Minor	Percent 10.0%		
		X			10.0%		
							ĺ
	Matrix	10	0% of the rul	e requirement was n	ot met		I
	Notes	10	5 70 OF THE FUI	e requirement was n	or men		Í
							•
					Adjustment	\$22,500	
					-		
							\$2,500
Violati	on Events						
Violati	on Events						
	Number of '	Violation Events	1	67	Number of violation of	lays	
		<u> </u>		ļ <u></u>		,	
		daily					
		, , <u>L</u>					
		weekly					
		weekly monthly					
		weekly monthly quarterly			Violation Base	Penalty	\$2,500
		weekly monthly quarterly semiannual			Violation Base	Penalty	\$2,500
		weekly monthly quarterly semiannual annual	X		Violation Base	Penalty	\$2,500
		weekly monthly quarterly semiannual	X		Violation Base	Penalty	\$2,50
		weekly monthly quarterly semiannual annual single event					\$2,50
	One annual	weekly monthly quarterly semiannual annual single event	nended from		2 date of ownership and o		\$2,50
	One annual	weekly monthly quarterly semiannual annual single event	nended from	the January 27, 2022 ril 4, 2022 date of co	2 date of ownership and o		\$2,50
		weekly monthly quarterly semiannual annual single event event is recomm	nended from		2 date of ownership and ompliance.	perator	
Good F	One annual	weekly monthly quarterly semiannual annual single event event is recomm chan	nended from age to the Apr 0.0%	il 4, 2022 date of co	2 date of ownership and ompliance.		\$2,500 \$2,500
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan	nended from age to the Apr 0.0%		2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan	nended from age to the Apr 0.0%	il 4, 2022 date of co	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan ply Extraordinary Ordinary	nended from ge to the Apr 0.0% efore NOE/NOV	il 4, 2022 date of co	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan	nended from age to the Apr 0.0%	il 4, 2022 date of co	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event [s recomm chan] event is recomm chan apply Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	ril 4, 2022 date of co	2 date of ownership and ompliance. Filement Offer	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event [s recomm chan] event is recomm chan apply Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	ril 4, 2022 date of co	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance.	perator	
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance. Filement Offer ne good faith criteria for n.	perator Reduction	\$(
Good F		weekly monthly quarterly semiannual annual single event event is recomm chan Extraordinary Ordinary N/A	nended from age to the Apr 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance.	perator Reduction	
	Faith Efforts to Com	weekly monthly quarterly semiannual annual single event event is recomm chan apply Extraordinary Ordinary N/A Notes	nended from ge to the Apr 0.0% efore NOE/NOV x The Respond	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance. Element Offer ne good faith criteria for n. Violation	perator Reduction	\$(
	Faith Efforts to Com	weekly monthly quarterly semiannual annual single event event is recomm chan apply Extraordinary Ordinary N/A Notes	nended from ge to the Apr 0.0% efore NOE/NOV x The Respond	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance. Filtement Offer The good faith criteria for n. Violation Statutory Limit	perator Reduction Subtotal	\$2,500
	Faith Efforts to Com	weekly monthly quarterly semiannual annual single event event is recomm chan apply Extraordinary Ordinary N/A Notes	nended from ge to the Apr 0.0% efore NOE/NOV x The Respond	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance. Element Offer ne good faith criteria for n. Violation	perator Reduction Subtotal	\$(
	Faith Efforts to Com	weekly monthly quarterly semiannual annual single event event is recomm chan apply Extraordinary Ordinary N/A Notes	nended from ge to the Apr 0.0% efore NOE/NOV X The Respond	NOE/NOV to EDPRP/Set	2 date of ownership and ompliance. Filtement Offer The good faith criteria for n. Violation Statutory Limit	Subtotal Test	\$2,500

	E	conomic	Benefit	Woı	rksheet		
		INC dba Snappy F	oods 20				
Case ID No.							
Reg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	1-	-u					
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$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	4-Apr-2022	0.18	\$0	n/a	\$0
Notes for DELAYED costs	and self-certif	ication form to ob of ownership and	tain a valid, curr operator chang	ent TCE e and th	EQ delivery certificate Final Date is the	operly completed Usate. The Date Requ	ired is the date
Avoided Costs	ANNU	ALIZE avoided o	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$40			TOTAL		\$0

	Screening Date	8-Dec-2022	Docket No. 2024-0371-PST-E	PCW
	Respondent	OHK GLOBAL INC dba Snap	py Foods 20	Policy Revision 5 (January 28, 2021)
	Case ID No.	63473		PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN105021364		
	Media	Petroleum Storage Tank		
	Enf. Coordinator	Sushil Modak		
	Violation Number	6		
	Rule Cite(s)	30 Te	x. Admin. Code § 334.45(c)(3)(A)	
		30 10	xi raiiiii code 3 33 ii i3(c)(3)(ii)	
		Failed to ensure that eme	ergency shutoff valves (also known as shear o	or impact
	Violation Description		nd securely anchored at the base of each disp	
	Violation Description	Specifically, the shear v	alves under Dispenser Nos. 1/2, and 11/12 w	ere not
			anchored.	
			Ва	se Penalty \$25,000
F	vivenus entel Duene	uter and Herman Health	Matrice	
>> Env	vironmentai, Prope	rty and Human Health Harm	n matrix	
	Release	Major Moderate	Minor	
OR	Actual			
	Potential		Percent 5.0%	7
	'	'		-
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	_
			Percent 0.0%	_
	Matrix Human healt	h or the environment will or	could be exposed to pollutants that would exc	reed levels
			environmental receptors as a result of the vi	
			'	
			A 45	+22 750
			Adjustment	\$23,750
				\$1,250
Violati	on Events			
	Number of \	/iolation Events 2	247 Number of violation	n days
		al a libro	¬	
		daily weekly	╣	
		monthly	╣	
		quarterly	Violation Ba	se Penalty \$2,500
		semiannual x	1	φ2,555
		annual	1	
		single event	1	
	<u> </u>	-	_	
	Two somi	annual avents are recommer	adad from the April E. 2022 investigation date	to the
	I WO SEITH		nded from the April 5, 2022 investigation date 8, 2022 screening date.	to the
Cood	aith Effauta ta Cam	0.00	7	Dadustina do
G000 F	aith Efforts to Com	Defore NOE/NOV		Reduction \$0
		Extraordinary	NOL/NOV to EDINI/Settlement offer	
		Ordinary		
		N/A x		
		N/A X	Л	┪
		Notes The Respon	dent does not meet the good faith criteria for	
		Notes	this violation.	
				4
			Violatio	n Subtotal \$2,500
_				
Econor	nic Benefit (EB) for	this violation	Statutory Limi	it Test
Econor		this violation	Statutory Lim \$21 Violation Final Per	
Econor		ed EB Amount	\$21 Violation Final Per	nalty Total \$3,020
Econor		ed EB Amount		nalty Total \$3,020

	E	conomic	Benefit	wor	ksheet		
Respondent	OHK GLOBAL	INC dba Snappy F	oods 20				
Case ID No.	63473						
Reg. Ent. Reference No.	RN105021364						
	Petroleum Sto					Percent Interest	Years of Depreciation
Violation No.	O					F 0	
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment	\$200	5-Apr-2022	2-Oct-2023	1.49	\$1	\$20	\$21
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	and 11/12 (\$	100 to anchor eac	h shutoff valve) Date is the est	. The Dimated	Date Required is the date of compliance		, and the Final
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

	Screening Date	8-Dec-2022	Docket No. 2024-0371-PST-E	PCW
		OHK GLOBAL INC dba Snapp	by Foods 20	Policy Revision 5 (January 28, 2021)
	Case ID No.	63473		PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN105021364		
		Petroleum Storage Tank		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	20.7	: 224 E47 V(S)	2)
	,	30 Tex. Admin. Code §	334.51(a)(6) and Tex. Water Code 26.3475(c)(2)
		Failed to assure that all spil	Land overfill provention devices are maintained i	n good
			I and overfill prevention devices are maintained i ifically, the connection points at the product pipir	
	Violation Description		/10, and $11/12$ for the super unleaded and the re	
			aded product piping were leaking.	galar
			Page 1	Penalty \$25,000
			base r	\$25,000
>> Env	vironmental. Prope	rty and Human Health	Matrix	
	vironiniental, i rope	Harm	FIGURE	
	Release	Major Moderate	Minor	
OR	Actual			
	Potential	X	Percent 5.0%	
		<u> </u>		
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
	Human health	or the environment will or co	ould be exposed to significant amounts of polluta	nts that
	Matrix would not exc		of human health or environmental receptors as	
	Notes		f the violation.	
			Adjustment	23,750
				\$1,250
	_			
Violati	on Events			
	Number of	Violation Events	Number of violation de	
	Number of	Violation Events 2	247 Number of violation da	ys
		daily	1	
		daily weekly		
		monthly		
		quarterly	Violation Base F	Penalty \$2,500
			Violation base P	\$2,500
		semiannual x annual		
		single event		
		Siligle event	1	
	Two sem		ded from the April 5, 2022 investigation date to	the
		December	8, 2022 screening date.	
Good F	aith Efforts to Com	nply 0.0%	Re	duction \$0
		Before NOE/NOV		
		Extraordinary		
		·		
		Ordinary		
		·		
		Ordinary N/A x	dent does not meet the good faith criteria for	
		Ordinary N/A x	dent does not meet the good faith criteria for this violation.	
		Ordinary N/A x	<u> </u>	
		Ordinary N/A x	<u> </u>	ubtotal \$2,500
		Ordinary N/A X Notes The Respond	this violation. Violation Se	<u> </u>
Econor	mic Benefit (EB) fo	Ordinary N/A X Notes The Respond	this violation.	<u> </u>
Econor		Ordinary N/A Notes The Respondence This violation	this violation. Violation Some Statutory Limit T	est
Econor		Ordinary N/A X Notes The Respond	this violation. Violation Se	est
Econor		Ordinary N/A X Notes The Respondence r this violation seed EB Amount	this violation. Violation Some Statutory Limit T	est y Total \$3,020

	E	conomic	Benefit	10W	ksheet		
Respondent	OHK GLOBAL	INC dba Snappy F	oods 20				
Case ID No.	63473						
Reg. Ent. Reference No.	RN105021364						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	7					reiteilt Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
200200							
Delayed Costs							
Equipment	\$400	5-Apr-2022	2-Oct-2023	1.49	\$2	\$40	\$42
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 d	lelayed cost to tigl	hten or fix leak	y conne	ction points for Dis	penser Nos. 1/2, 3/	4, 9/10, and
Notes for DELAYED costs	11/12 (\$100	for ech connection	on point). The D	ate Req	uired is the investi	gation date, and the	e Final Date is
			the estima	ated date	e of compliance.		
A	ANNUL	ALTZE avaided a	acta hafaya ay		itam (aveant far	one-time avoided	l cocto
Avoided Costs Disposal	ANNO	ALIZE avoided C	osts before er	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0 \$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$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							

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN605894831, RN105021364, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or CN605894831, OHK GLOBAL INC

Classification: SATISFACTORY

Owner/Operator:

Regulated Entity: RN105021364, SNAPPY FOODS 20 Classification: UNSATISFACTORY Rating: 197.50

Complexity Points: 2 Repeat Violator: NO

CH Group: 14 - Other

Location: 4817 AYERS ST CORPUS CHRISTI, TX 78415-1407, NUECES COUNTY

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION

78149

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?

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? Ohk Global Inc OPERATOR since 3/4/2022

Realty Income Properties 9, LLC OWNER since 3/4/2022

4) Who was/were the prior owner(s)/operator(s)? SAAHEL, INC., OWNER OPERATOR, 6/16/2011 to 3/3/2022

42 Convenience Holdings, LLC, OWNER, 3/4/2019 to 3/3/2022

YES

Rating: 13.69

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

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

1 Effective Date: 05/26/2021 ADMINORDER 2020-0427-PST-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

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

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

Respondent had not conducted the annual line leak detector and piping tightness tests.

Classification: Moderate

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

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

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

Classification: Moderate

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

30 TAC Chapter 334, SubChapter C 334.42(i)

Description: Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with a UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight and remove any liquid or debris found in them within 96 hours of discovery. Specifically, the diesel and

gasoline dispenser sumps contained liquid that was not disposed of within 96 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.45(c)(3)(A)

Description: Failed to securely anchor emergency shutoff valves (also called shear or impact valves) at the base of all dispensers.

Classification: Moderate

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

30 TAC Chapter 334, SubChapter C 334.51(b)(2)(C)

Description: Failed to equip each UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity. Specifically, no overfill prevention equipment was installed on UST No. 1A at Facility No. 1.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.72

Description: Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, monthly inventory control ("MIC") records for the regular unleaded compartment of the UST for June 2019, July 2019, September 2019, and October 2019 indicated suspected releases that were not reported. Additionally, MIC records for the super unleaded compartment of the UST for September 2019 and October 2019 indicated a suspected release that was not reported.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.74

Description: Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, MIC records for the regular unleaded and super unleaded compartments of the UST system indicated suspected releases that were not investigated.

Classification: Moderate

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

30 TAC Chapter 334, SubChapter C 334.50(d)(4)(A)(ii)(II)

Description: Failed to ensure that the automatic tank gauging equipment is capable of performing an automatic test for substance loss that can detect a release of 0.2 gallon per hour from any portion of the tank which contains regulated substances.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

Compliance History Report for CN605894831, RN105021364, Rating Year 2023 which includes Compliance History (CH) components from January 25, 2019, through January 25, 2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEVAS COMMISSIONI ON
OHK GLOBAL INC DBA SNAPPY	§	TEXAS COMMISSION ON
FOODS 20;	§	
RN105021364	§	ENVIRONMENTAL QUALITY

DEFAULT AND SHUTDOWN ORDER

DOCKET NO. 2024-0371-PST-E

On ________, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary 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 4817 Ayers Street in Corpus Christi, Nueces County, Texas. The respondent made the subject of this Order is OHK GLOBAL INC dba Snappy Foods 20 ("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 4817 Ayers Street in Corpus Christi, Nueces County, Texas (Facility ID No. 78149) (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 TCEO.
- 2. During an investigation conducted on April 5, 2022, an investigator documented that Respondent:
 - a. Failed to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days;
 - b. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight and failed to conduct annual walkthrough inspections for the 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 December 2021 through March 2022, for the super unleaded compartment from September 2021 and October 2021, and December 2021 through March 2022, and for the diesel compartment from September 2021 and October 2021, and December 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 December 2021 through March 2022, for the super unleaded compartment from September 2021 and October 2021, and December 2021 through March 2022, and for the diesel compartment from September 2021 and October 2021, and December 2021 through March 2022 indicated suspected releases that were not reported;
- e. 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;
- f. 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 under Dispenser Nos. 1/2 and 11/12 were not properly anchored; and
- g. Failed to assure that spill and overfill prevention devices are maintained in good operating condition. Specifically, the connection points at the product piping for Dispenser Nos. 1/2, 3/4, 9/10, and 11/12 for the super unleaded and the regular unleaded product piping were leaking.
- 3. By letter dated July 25, 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 Preliminary 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 20" (the "EDPRP") in the TCEQ Chief Clerk's office on May 23, 2024.
- 5. By letter dated May 23, 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 EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on May 29, 2024 per USPS, 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 EDPRP. Respondent failed to file an answer and failed to request a hearing.
- 7. By letter dated August 19, 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 violation 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(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)(A), 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 in a manner which will detect a release at a frequency of at least once every 30 days, in violation of Tex. Water Code § 26.3475(c)(1) and 30 Tex. Admin. Code § 334.50(b)(1)(A);
- 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 and failed to conduct annual walkthrough inspections for the 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 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).
- 7. As evidenced by Finding of Fact No. 2.f., 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).
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to assure that 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 EDPRP, 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 \$42,285 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 \$42,285 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 20; Docket No. 2024-0371-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 a release detection method for the UST at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50;
 - b. Install line leak detectors on the regular unleaded pressurized line, 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 shear valves at the base of each dispenser, in accordance with 30 Tex. ADMIN. CODE § 334.45;
- h. Install automatic shutoff valves on each UST, in accordance with 30 Tex. Admin. Code § 334.51;
- i. Properly repair the connection points leaks at the product piping connected to Dispenser Nos. 1/2, 3/4, 9/10, and 11/12 by a TCEQ licensed contractor, in accordance with 30 Tex. ADMIN. CODE § 334.51; and
- j. Obtain a new fuel delivery certificate from the TCEQ.
- 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.

OHK GLOBAL INC dba Snappy Foods 20 Docket No. 2024-0371-PST-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONM	IENTAL 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 Preliminary 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 20' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 23, 2024.

The EDPRP was mailed to Respondent's last known address on May 23, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on May 29, 2024 per USPS, 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 August 19, 2024, sent via first class mail and certified mail, return receipt requested article no. 7022 3330 0000 1189 8160, 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. According to the return receipt "green card," Respondent received the notice on September 4, 2024.

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 5, 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 19th day of August, 2024

Declarant