

**Order Type:**  
Default Shutdown Order

**Media:**  
PST

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
701 East Avenue J, Robstown, 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; 2024-0371-PST-E; 2024-0372-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:** \$30,285

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$30,285

**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:** May 4, 2022

**Date of NOV:** N/A

**Date of NOE:** July 25, 2022

**Violation Information**

1. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) 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 inspect overfill prevention equipment at least once every three years to ensure that overfill prevention equipment is set to activate at the correct level [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and (g)(1)(B)].
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)].

**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 TCEQ.
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, 4 and 5.
7. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline:
  - a. Implement a release detection method for the UST at the Facility;
  - b. Conduct the triennial testing of the spill prevention equipment;
  - c. Conduct the triennial inspection of the overfill prevention equipment to ensure that overfill prevention equipment is set to activate at the correct level;

- d. Conduct an investigation of the suspected releases and implement appropriate corrective measures;
  - e. Develop and implement a process for reporting suspected releases timely; and
  - f. 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 7<sup>th</sup> 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

<b>DATES</b>	<b>Assigned</b>	6-Dec-2022	<b>Screening</b>	8-Dec-2022	<b>EPA Due</b>	
	<b>PCW</b>	6-Jan-2023				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	OHK GLOBAL INC dba Snappy Foods 16				
<b>Reg. Ent. Ref. No.</b>	RN102367422				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63472	<b>No. of Violations</b>	5
<b>Docket No.</b>	2024-0373-PST-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Sushil Modak
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$30,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for Compliance History.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the Culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$585	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$3,915	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$30,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1.0%	<b>Adjustment</b>	\$285
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2 and 4.
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<b>Final Penalty Amount</b>	\$30,285
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$30,285
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$30,285
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<b>Screening Date</b>	8-Dec-2022	<b>Docket No.</b>	2024-0373-PST-E	<b>PCW</b>
<b>Respondent</b>	OHK GLOBAL INC dba Snappy Foods 16			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63472			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102367422			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	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%

<b>Screening Date</b>	8-Dec-2022	<b>Docket No.</b>	2024-0373-PST-E	<b>PCW</b>
<b>Respondent</b>	OHK GLOBAL INC dba Snappy Foods 16			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	63472			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102367422			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Sushil Modak			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code 26.3475(c)(1)			
<b>Violation Description</b>	Failed to monitor the underground storage tanks ("USTs") in a manner which will detect a release at a frequency of at least once every 30 days.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		<b>Release</b>	<b>Harm</b>	
		Major	Moderate	Minor
	Actual			
	Potential	x		
			<b>Percent</b>	15.0%
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
			<b>Percent</b>	0.0%
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		<b>Adjustment</b>	\$21,250	
			\$3,750	
Violation Events				
	<b>Number of Violation Events</b>	2	218	<b>Number of violation days</b>
	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>	x		
	<b>annual</b>			
	<b>single event</b>			
	Two semiannual events are recommended from the May 4, 2022 investigation date to the December 8, 2022 screening date.			
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	\$0
	<b>Before NOE/NOV</b>	<b>NOE/NOV to EDPRP/Settlement Offer</b>		
	<b>Extraordinary</b>			
	<b>Ordinary</b>			
	<b>N/A</b>	x		
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$7,500	
Economic Benefit (EB) for this violation				
<b>Statutory Limit Test</b>				
	<b>Estimated EB Amount</b>	\$106	<b>Violation Final Penalty Total</b>	\$7,571
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$7,571

# Economic Benefit Worksheet

**Respondent** OHK GLOBAL INC dba Snappy Foods 16  
**Case ID No.** 63472  
**Reg. Ent. Reference No.** RN102367422  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	4-May-2022	2-Oct-2023	1.41	\$106	n/a	\$106

Notes for DELAYED costs

Estimated delayed cost to implement a release detection method for the USTs at the Facility. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$106



<b>Screening Date</b>	8-Dec-2022	<b>Docket No.</b>	2024-0373-PST-E	<b>PCW</b>
<b>Respondent</b>	OHK GLOBAL INC dba Snappy Foods 16	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
<b>Case ID No.</b>	63472			
<b>Reg. Ent. Reference No.</b>	RN102367422			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Sushil Modak			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and 334.48(g)(1)(B) and Tex. Water Code § 26.3475(c)(2)			
<b>Violation Description</b>	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 inspect overfill prevention equipment at least once every three years to ensure that overfill prevention equipment is set to activate at the correct level.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		
					<b>Percent</b> 5.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>				
	Major	Moderate	Minor		
					<b>Percent</b> 0.0%
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.					
					<b>Adjustment</b> \$23,750

\$1,250

**Violation Events**

Number of Violation Events	1	218	Number of violation days
<div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">daily</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">weekly</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">monthly</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">quarterly</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">semiannual</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">annual</div> <div style="border: 1px solid black; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="width: 20px; text-align: center; border: 1px solid black; margin-right: 5px;">single event</div> <div style="border: 1px solid black; flex-grow: 1; text-align: center;">x</div> </div>			
<b>Violation Base Penalty</b> \$1,250			
One single event is recommended.			

**Good Faith Efforts to Comply**

<b>0.0%</b>		<b>Reduction</b>	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$1,250

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

<b>Estimated EB Amount</b>	\$220	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$1,262
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,262

## Economic Benefit Worksheet

**Respondent** OHK GLOBAL INC dba Snappy Foods 16  
**Case ID No.** 63472  
**Reg. Ent. Reference No.** RN102367422  
**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	4-May-2022	2-Oct-2023	1.41	\$14	n/a	\$14

**Notes for DELAYED costs**

Estimated delayed cost to conduct the triennial testing of the spill prevention equipment (\$100) and to conduct the triennial inspection of the overfill prevention equipment to ensure that overfill prevention equipment is set to activate at the correct level (\$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				0.00	\$0	\$0	\$0
Other (as needed)	\$200	4-May-2022	8-Dec-2022	0.60	\$6	\$200	\$206

**Notes for AVOIDED costs**

Estimated avoided cost to conduct the triennial testing of the spill prevention equipment (\$100) and to conduct the triennial inspection of the overfill prevention equipment to ensure that overfill prevention equipment is set to activate at the correct level (\$100). The Date Required is the investigation date, and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$400

**TOTAL**

\$220

<b>Screening Date</b> 8-Dec-2022 <b>Respondent</b> OHK GLOBAL INC dba Snappy Foods 16 <b>Case ID No.</b> 63472 <b>Reg. Ent. Reference No.</b> RN102367422 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Sushil Modak	<b>Docket No.</b> 2024-0373-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 334.74	
<b>Violation Description</b>	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 UST from August 2021 through April 2022, for the premium unleaded UST from August 2021 through September 2021 and November 2021 through April 2022, and for the diesel UST from from August 2021 through April 2022 indicated suspected releases that were not investigated.		

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

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

  

**>> Programmatic Matrix**

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

  

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

Number of Violation Events	3	403	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual	x				
	annual					
	single event					

  

<b>Violation Base Penalty</b>	\$11,250
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Three semiannual events are recommended from the earliest suspected release investigation due date of October 31, 2021 to the December 8, 2022 screening date.

  

**Good Faith Efforts to Comply**

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

  

<b>Violation Subtotal</b>	\$11,250
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$173	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	\$11,357
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$11,357
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# Economic Benefit Worksheet

**Respondent** OHK GLOBAL INC dba Snappy Foods 16  
**Case ID No.** 63472  
**Reg. Ent. Reference No.** RN102367422  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	31-Oct-2021	2-Oct-2023	1.92	\$173	n/a	\$173

Notes for DELAYED costs

Estimated delayed cost (\$1,200 for testing (\$400 per tank line x three 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**

\$173

<b>Screening Date</b>	8-Dec-2022	<b>Docket No.</b>	2024-0373-PST-E	<b>PCW</b>
<b>Respondent</b>	OHK GLOBAL INC dba Snappy Foods 16	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	63472	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN102367422			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Sushil Modak			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.72			
<b>Violation Description</b>	<p>Failed to report suspected releases to the agency within 24 hours of discovery. Specifically, inventory control records for the regular unleaded UST from August 2021 through April 2022, for the premium unleaded UST from August 2021 through September 2021 and November 2021 through April 2022, and for the diesel UST from from August 2021 through April 2022 indicated suspected releases that were not reported.</p>			
		<b>Base Penalty</b>	\$25,000	

  

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

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

  

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>					
	<b>Falsification</b>	Major	Moderate	Minor		
					<b>Percent</b>	10.0%

  

<b>Matrix Notes</b>	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$22,500
	\$2,500

  

**Violation Events**

Number of Violation Events	3	Number of violation days	433
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

  

<b>Violation Base Penalty</b>	\$7,500
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Three single events are recommended (one single event for each UST in which a suspected release occurred).
--

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

  

<b>Violation Subtotal</b>	\$7,500
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**Economic Benefit (EB) for this violation**

<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$86
<b>Violation Final Penalty Total</b>	\$7,571
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$7,571

# Economic Benefit Worksheet

**Respondent** OHK GLOBAL INC dba Snappy Foods 16  
**Case ID No.** 63472  
**Reg. Ent. Reference No.** RN102367422  
**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	4-May-2022	2-Oct-2023	1.41	\$7	n/a	\$7

**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				0.00	\$0	\$0	\$0
Other (as needed)	\$75	1-Oct-2021	8-Dec-2022	1.19	\$4	\$75	\$79

**Notes for AVOIDED costs**

Estimated avoided cost to report the suspected releases for three USTs (\$25 per report). The Date Required is the earliest date the suspected releases should have been reported, and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$175

**TOTAL**

\$86

<b>Screening Date</b> 8-Dec-2022 <b>Respondent</b> OHK GLOBAL INC dba Snappy Foods 16 <b>Case ID No.</b> 63472 <b>Reg. Ent. Reference No.</b> RN102367422 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Sushil Modak	<b>Docket No.</b> 2024-0373-PST-E  <div style="border: 1px solid black; padding: 2px;"> <b>Base Penalty</b> \$25,000       </div>	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	5	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code §§ 334.7(d)(1)(A) and 334.8(c)(4)(C)	
<b>Violation Description</b>		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**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>
	Potential	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	

  

**>> Programmatic Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Falsification</b>	Major	Moderate	Minor	
	Actual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">10.0%</span>
	Potential	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	

  

<b>Matrix Notes</b>	100% of the rule requirement was not met.
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**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events	<span style="border: 1px solid black; padding: 2px 20px;">1</span>	<span style="border: 1px solid black; padding: 2px 20px;">67</span>	Number of violation days
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daily	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
weekly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
monthly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
quarterly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
semiannual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
annual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
single event	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>

  

**Violation Base Penalty** \$2,500

One annual event is recommended from the January 27, 2022 date of ownership and operator change to the April 4, 2022 date of compliance.

**Good Faith Efforts to Comply**

	<span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>	
	<b>Before NOE/NOV</b>	<b>NOE/NOV to EDPRP/Settlement Offer</b>
Extraordinary	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
Ordinary	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
N/A	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>

  

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
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**Violation Subtotal** \$2,500

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

<b>Estimated EB Amount</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$0</span>	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px 20px;">\$2,524</span>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px 20px;">\$2,524</span>

# Economic Benefit Worksheet

**Respondent** OHK GLOBAL INC dba Snappy Foods 16  
**Case ID No.** 63472  
**Reg. Ent. Reference No.** RN102367422  
**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				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	4-Apr-2022	0.18	\$0	n/a	\$0

### 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 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**

\$0





# Compliance History Report

Compliance History Report for CN605894831, RN102367422, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605894831, OHK GLOBAL INC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	13.69
<b>Regulated Entity:</b>	RN102367422, SNAPPY FOODS 16	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Complexity Points:</b>	2	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	701 E AVENUE J ROBSTOWN, TX 78380-2423, NUECES COUNTY				
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI				
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 32955				
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	April 02, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 25, 2019 to January 25, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Sushil Modak		<b>Phone:</b>	(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?  
Sigmor Corp OWNER since 1/1/1800  
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)?  
EMROOZ, 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 12, 2021 (1751115)

### **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 16;  
RN102367422

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT AND SHUTDOWN ORDER

DOCKET NO. 2024-0373-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 701 East Avenue J in Robstown, Nueces County, Texas. The respondent made the subject of this Order is OHK GLOBAL INC dba Snappy Foods 16 ("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 701 East Avenue J in Robstown, Nueces County, Texas (Facility ID No. 32955) (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 May 4, 2022, an investigator documented that Respondent:
  - a. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days;
  - b. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight and failed to inspect overfill prevention equipment at least once every three years to ensure that overfill prevention equipment is set to activate at the correct level. 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 UST from August 2021 through April 2022, for the premium unleaded UST from August 2021 through September 2021, and November 2021 through April 2022, and for the diesel UST from August 2021 through April 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 UST from August 2021 through April 2022, and for the premium unleaded UST from August 2021 through September 2021 and November 2021 through April 2022, and for the diesel UST from August 2021 through April 2022 indicated suspected releases that were not reported; and
  - 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.
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 16" (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, 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 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. and 2.b. 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 (g)(1)(B) and 334.50(b)(1)(A), 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 USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(c)(1) 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 inspect overfill prevention equipment at least once every three years to ensure that overfill prevention equipment is set to activate at the correct level, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and (g)(1)(B).
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 Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
8. 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.
9. 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.
10. An administrative penalty in the amount of \$30,285 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. As evidenced by Findings of Fact Nos. 2.a., 2.b., 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.
12. 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.
13. 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.
14. 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.
15. 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 8.

16. 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 and 3 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 \$30,285 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 16; Docket No. 2024-0373-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. Conduct the triennial testing of the spill prevention equipment, in accordance with 30 TEX. ADMIN. CODE § 334.48;
  - c. Conduct the triennial inspection of the overfill prevention equipment to ensure that overfill prevention equipment is set to activate at the correct level, in accordance with 30 TEX. ADMIN. CODE § 334.48;
  - d. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74;
  - e. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
  - f. 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 Blvd, Ste 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**

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For the Commission

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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 16' (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, 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 8139, 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 May 4, 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

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

Declarant