

Executive Summary – Enforcement Matter – Case No. 67192
PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
RN101767994
Docket No. 2025-0037-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Fisherman's Wharf, 900 Tarpon Street, Port Aransas, Nueces County

Type of Operation:

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

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,526

Amount Deferred for Expedited Settlement: \$3,105

Total Paid to General Revenue: \$12,421

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 12, 2024

Date(s) of NOE(s): December 17, 2024

Executive Summary – Enforcement Matter – Case No. 67192
PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
RN101767994
Docket No. 2025-0037-PST-E

Violation Information

1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on May 30, 2022 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the Respondent accepted 630 deliveries of petroleum product during the period of June 1, 2022 through October 29, 2024 without a valid, current TCEQ delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
3. Failed to monitor the UST and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST and associated pressurized piping were installed on June 12, 2020, and the Respondent was not using interstitial monitoring release detection method [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a) and (c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On November 5, 2024, renewed a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form; and
- b. On December 3, 2024, implemented interstitial monitoring release detection for the UST and associated piping.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rachel Murray, Enforcement Division, Enforcement Team 3, MC R-05, (903) 535-5149; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Judith L. Hays, Member, PORT ARANSAS FISHERMAN'S WHARF, LLC, 802 North Carancahua Street, Suite 1640, Corpus Christi, Texas 78401-0027

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Dec-2024	Screening	9-Jan-2025	EPA Due	
	PCW	16-Jan-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
Reg. Ent. Ref. No.	RN101767994
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	67192	No. of Violations	3
Docket No.	2025-0037-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Murray
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$23,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	-10.0% Adjustment Subtotals 2, 3, & 7	-\$2,375
Notes	Reduction for High Performer classification.	
Culpability	No 0.0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5
		-\$5,937
Economic Benefit	0.0% Enhancement*	Subtotal 6
Total EB Amounts	\$93	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,620	
		\$0
		\$15,438

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.6% Adjustment	\$88
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.	
		Final Penalty Amount
		\$15,526

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,526
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DEFERRAL	20.0% Reduction Adjustment	-\$3,105
Reduces the Final Assessed Penalty by the indicated percentage.		
Notes	Deferral offered for expedited settlement.	

PAYABLE PENALTY	\$12,421
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Screening Date 9-Jan-2025

Docket No. 2025-0037-PST-E

PCW

Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf

Policy Revision 5 (January 28, 2021)

Case ID No. 67192

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101767994

Media Petroleum Storage Tank

Enf. Coordinator Rachel Murray

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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
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%
	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%
Judgments and Consent 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%
	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Convictions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Emissions	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%
Audits	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)**

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% -10%

Screening Date 9-Jan-2025 Docket No. 2025-0037-PST-E

PCW

Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf

Policy Revision 5 (January 28, 2021)

Case ID No. 67192

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101767994

Media Petroleum Storage Tank

Enf. Coordinator Rachel Murray

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)

Violation Description Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on May 30, 2022.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10.0%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 890

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$7,500

Three annual events are recommended from the May 30, 2022 expiration date of the previous delivery certificate to the October 29, 2024 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Table with columns: Extraordinary, Ordinary, N/A, Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer.

Notes The Respondent came into compliance on November 5, 2024, prior to the December 17, 2024 Notice of Enforcement ("NOE").

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$89

Violation Final Penalty Total \$4,903

This violation Final Assessed Penalty (adjusted for limits) \$4,903

Economic Benefit Worksheet

Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
Case ID No. 67192
Reg. Ent. Reference No. RN101767994
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	\$40	30-May-2024	5-Nov-2024	0.44	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated delayed cost to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. The Date Required is the most recent projected date the delivery certificate should have been renewed 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	\$40	30-May-2022	5-Nov-2024	2.44	\$5	\$40	\$45
Other (as needed)	\$40	30-May-2023	5-Nov-2024	1.44	\$3	\$40	\$43

Notes for AVOIDED costs
 Estimated avoided cost to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date (\$40 per renewal). The Dates Required are the expiration date of the previous delivery certificate and the next projected missed renewal due date of the delivery certificate and the Final Dates are the date the delivery certificate was renewed.

Approx. Cost of Compliance \$120

TOTAL \$89

Screening Date 9-Jan-2025 **Docket No.** 2025-0037-PST-E **PCW**
Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf *Policy Revision 5 (January 28, 2021)*
Case ID No. 67192 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101767994
Media Petroleum Storage Tank
Enf. Coordinator Rachel Murray

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
Case ID No. 67192
Reg. Ent. Reference No. RN101767994
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 1

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

\$0

TOTAL

\$0

Screening Date 9-Jan-2025 **Docket No.** 2025-0037-PST-E **PCW**
Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf *Policy Revision 5 (January 28, 2021)*
Case ID No. 67192 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101767994
Media Petroleum Storage Tank
Enf. Coordinator Rachel Murray

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(B) and (b)(2)(A)(iii) and Tex. Water Code § 26.3475(a) and (c)(1)
Violation Description Failed to monitor the UST and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST and associated pressurized piping were installed on June 12, 2020, and the Respondent was not using interstitial monitoring release detection method.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the November 12, 2024 investigation date to the December 3, 2024 date of compliance.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent came into compliance on December 3, 2024, prior to the December 17, 2024 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$4 **Violation Final Penalty Total** \$2,452

This violation Final Assessed Penalty (adjusted for limits) \$2,452

Economic Benefit Worksheet

Respondent PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf
Case ID No. 67192
Reg. Ent. Reference No. RN101767994
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Nov-2024	3-Dec-2024	0.06	\$4	n/a	\$4

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection for the UST and associated piping at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$4

The TCEQ is committed to accessibility.

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 CN605648047, RN101767994, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN605648047, PORT ARANSAS FISHERMAN'S WHARF, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101767994, Fisherman's Wharf **Classification:** HIGH **Rating:** 0.00

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 900 TARPON STREET, PORT ARANSAS, NUECES COUNTY, TEXAS 78373-5034

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 37576

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: May 22, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 22, 2020 to May 22, 2025

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Rachel Murray **Phone:** (903) 535-5149

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 03, 2021	(1749378)
Item 2	August 20, 2021	(1755941)

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
PORT ARANSAS FISHERMAN'S
WHARF, LLC DBA FISHERMAN'S
WHARF
RN101767994

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

AGREED ORDER DOCKET NO. 2025-0037-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 900 Tarpon Steet in Port Aransas, Nueces County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,526 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,421 of the penalty and \$3,105 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. On November 5, 2024, renewed a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form; and
 - b. On December 3, 2024, implemented interstitial monitoring release detection for the UST and associated piping.

II. ALLEGATIONS

During an investigation at the Facility conducted on November 12, 2024, an investigator documented that the Respondent:

1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the previous delivery certificate expired on May 30, 2022.
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, the Respondent accepted 630 deliveries of petroleum product during the period of June 1, 2022 through October 29, 2024 without a valid, current TCEQ delivery certificate.
3. Failed to monitor the UST and associated pressurized piping installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a) and (c)(1). Specifically, the UST and associated pressurized piping were installed on June 12, 2020, and the Respondent was not using interstitial monitoring release detection method.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf, Docket No. 2025-0037-PST-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

10/03/2025

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

Judith L Hays

Signature

08/04/2025

Date

JUDITH L HAYS

Name (Printed or typed)

Member

Title

Authorized Representative of
PORT ARANSAS FISHERMAN'S WHARF, LLC dba Fisherman's Wharf

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

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