

**From:** [Jonathan Walling](#)  
**To:** [Star Mart Omaha](#)  
**Cc:** [OCE](#)  
**Subject:** Enforcement discretion due to covid - F & S Starmart  
**Date:** Thursday, February 4, 2021 10:10:04 AM

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Good morning, Mike:

The TCEQ has evaluated your request for enforcement discretion relating to the testing of pressurized piping, required by 30 Texas Administrative Code §334.50 (b)(2), at F & S Starmart located in Omaha, Texas.

It is the TCEQ's understanding that this test was due on December 1, 2020, but was delayed until December 15, 2020, due to challenges created by the COVID-19 pandemic. The TCEQ will exercise enforcement discretion for the late testing. Please ensure that the passing test results are maintained and retain a copy of this correspondence for any future TCEQ investigations or inquiries.

Regards,

Jonathan Walling, Area Director  
Coastal & East Texas Area  
Texas Commission on Environmental Quality

**From:** Star Mart Omaha <[REDACTED]>  
**Sent:** Wednesday, February 3, 2021 9:13 AM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Subject:** Enforcement discretion due to covid - F & S Starmart

Hello,

Concise statement supporting request for enforcement discretion

*Reason why you need enforcement discretion*

UST test was conducted on 12/01/2019 and 12/15/2020. Because of Covid it was delayed for 14 days.

Anticipated duration of need for enforcement discretion

*When you anticipate you will have the testing completed and be back into compliance*

*It was completed on 12/15/2020*

Citation of rule / permit provision for which enforcement discretion is requested

*334.50(b) (2) – failure to provide proper release detection for the piping associated UST systems.*

Starmart

400 E. Main Street, Omaha, TX 75571.

Thank you,

Mike