

# TEXAS

## Retail Environmental Enforcement Summary July 1, 2016 - December 31, 2016



1

The Texas Commission on Environmental Quality (TCEQ) enforces the state's environmental laws.



**38** Enforcement actions were issued to retailers.

2

The types of retail stores facing enforcement.



**Automotive repair 1**



**Gas stations 14**



**Gas stations with convenience stores 23**

3



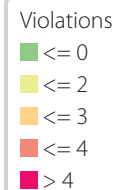
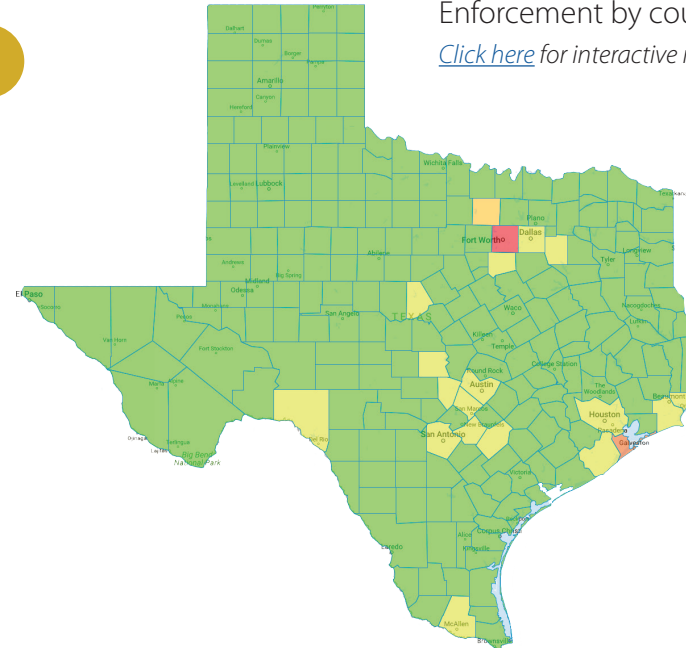
**\$406,376**

Total fines issued to retailers

4

Enforcement by county

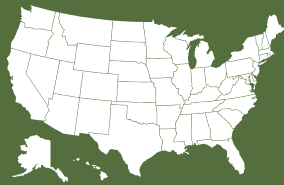
[Click here](#) for interactive map.



## HIGHLIGHTS

Between July 1, 2016 and December 31, 2016, 38 enforcement actions filed by the Texas Commission on Environmental Quality (TCEQ) were issued to retail establishments within the state. These included an automotive repair store, gas stations, and gas stations with convenience stores for violations related to storage tanks and drinking water. Texas does not make inspection reports public.

Fines ranged from \$599 to \$110,976, in addition to actions required to bring the entities into compliance. The highest fine was issued to a gas station that carried out petroleum violations.



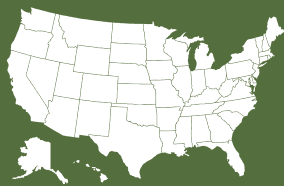
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### ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
<b>Storage tank.</b> Violations covered gas stations with and without convenience stores. Violations included failure to: monitor USTs for releases at least once per month, maintain legible copies of all required records pertaining to a UST system, provide release detection for the pressurized piping, and ensure corrosion prevention of USTs.					
Storage tank	Auto repair store	Administrative Order <sup>1</sup>	Failure to: <ul style="list-style-type: none"> <li>• Monitor the USTs for releases at least once a month</li> <li>• Provide corrosion protection for the UST system</li> <li>• Properly anchor all emergency shut-off (shear) valves for the pressurized piping under the fuel dispensers</li> </ul>	Dallas	\$5,401 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Submit compliance documentation to show that the automatic tank gauge system was repaired</li> <li>• Demonstrate that all three tanks were being monitored for leaks each month</li> <li>• Install and test corrosion protection for the underground metal components of the UST system</li> <li>• Properly install and anchor the shear valves for the pressurized piping under the fuel dispensers</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Deposit a regulated substance into a UST system that was covered by a current, valid TCEQ delivery certificate</li> </ul>	Tarrant	\$885 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Establish and implement procedures to ensure it has a valid TCEQ fuel delivery certificate prior to depositing fuel into a UST system</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Tarrant	\$3,600 fine.
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Provide release detection for the pressurized piping associated with the UST system</li> <li>• Maintain legible copies of records pertaining to a UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Tarrant	\$2,700 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Implement a release detection method for USTs</li> <li>• Conduct the annual piping tightness and line leak detector testing with passing results</li> </ul>



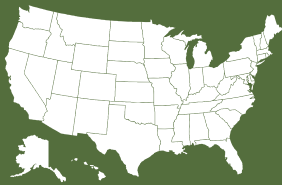
# TEXAS

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July 1, 2016 - December 31, 2016



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Storage tank	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Tarrant	\$2,804 fine.
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor the USTs for releases at least once a month.</li> <li>• Have a release detection system for one of its tanks</li> </ul>	Tarrant	\$2,700 fine.
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Report a suspected release to the TCEQ within 24 hours of discovery</li> </ul>	Tarrant	\$22,392 fine.
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Ensure that releases due to corrosion are prevented</li> <li>• Provide proof of corrosion protection</li> <li>• Monitor the USTs for releases at least once a month</li> <li>• Maintain overfill prevention equipment</li> <li>• Provide documentation to verify the presence of overfill prevention equipment</li> <li>• Maintain UST records</li> <li>• Ensure records are available for inspection by TCEQ personnel</li> </ul>	Tarrant	\$9,451 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Begin monitoring USTs for releases</li> <li>• Begin maintaining all UST records</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Provide corrosion protection for UST system</li> </ul>	Tarrant	\$3,600 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Provide proper release detection for the piping associated with UST systems</li> <li>• Maintain legible copies of records pertaining to UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> <li>• Identify and designate at least one named individual for each class of operator: Class A, Class B, and Class C</li> </ul>	Tarrant	\$72,563 fine.



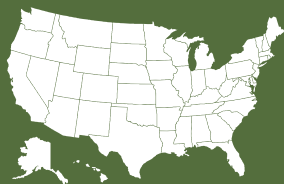
# TEXAS

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July 1, 2016 - December 31, 2016



Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
Storage tank	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Provide corrosion protection for UST system</li> <li>• Monitor USTs for releases at least once a month</li> </ul>	Tarrant	\$5,400 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Take appropriate steps to ensure that a monthly analysis report is received from the SIR vendor within the appropriate time frame</li> <li>• Conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel</li> <li>• Test the corrosion protection system for operability and adequacy of protection at least once every three years</li> </ul>	Tarrant	\$4,771 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Begin effectively conducting inventory control for all USTs</li> <li>• Develop and implement procedures to receive monthly analysis reports from the Statistical Inventory Reconciliation (SIR) vendor in a timely manner for all USTs</li> <li>• Successfully conduct triennial testing of the corrosion protection system</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at a frequency of at least once a month</li> <li>• Conduct an investigation of a suspected release within 30 days of discovery</li> <li>• Maintain legible copies of records pertaining to UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Wise	\$29,731 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Begin monitoring the USTs for releases at least once a month</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Record inventory volume measurements for regulated substance inputs, withdrawals, and amount remaining in the tank each operating day</li> <li>• Test the corrosion protection system for operability and adequacy of protection at least once every three years</li> </ul>	Wise	\$14,800 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Conduct triennial testing of the corrosion protection system with passing results</li> </ul>



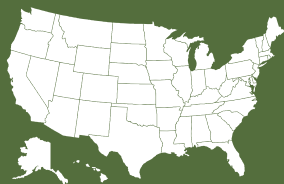
# TEXAS

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July 1, 2016 - December 31, 2016



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Storage tank	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Maintain legible copies of records pertaining to a UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Wise	\$3,300 fine.
	Gas station	Administrative Order	Failure to <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Brown	\$1,951 fine.
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Have corrosion protection for the UST system</li> <li>• Provide proper release detection for USTs</li> <li>• Provide proper release detection for the piping associated with UST systems</li> <li>• Maintain legible copies of records pertaining to UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Hidalgo	\$5,504 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Conduct the annual line leak detector and piping tightness tests with passing results</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Provide release detection for the pressurized piping associated with the UST system</li> <li>• Conduct the annual piping tightness and line leak detector testing</li> </ul>	Hays	\$2,955 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Submit the annual piping tightness and line leak detector test with passing results</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Renew a previously issued UST delivery certificate</li> <li>• Make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST</li> </ul>	Gonzales	\$1,041 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Submit a properly completed UST registration and self-certification form</li> <li>• Obtain a valid UST delivery certificate</li> </ul>
	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Jefferson	\$2,851 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Implement a release detection method for USTs</li> </ul>



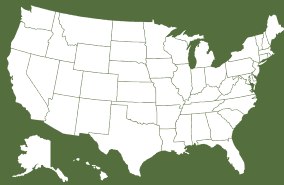
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July 1, 2016 - December 31, 2016



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Storage tank	Gas station	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>Permanently remove from service a UST system that has not been brought into compliance with upgrade requirements</li> </ul>	Jefferson	\$110,976 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>Renew a previously issued UST delivery certificate</li> </ul>	Travis	\$5,954 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>Submit a properly completed UST registration and self-certification form</li> <li>Obtain a valid TCEQ fuel delivery certificate</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to <ul style="list-style-type: none"> <li>Monitor USTs for releases at least once a month</li> </ul>	Travis	\$3,900 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>Implement a release detection method for all USTs</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>Provide release detection for the pressurized piping associated with the UST system</li> <li>Maintain legible copies of records pertaining to an UST system</li> <li>Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Llano	\$3,404 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>Monitor USTs for releases at least once a month</li> <li>Maintain legible copies of records pertaining to a UST system</li> <li>Ensure records are available for inspection by the TCEQ or their UST Contractor</li> <li>Ensure that a certified Class A and Class B operator is re-trained within three years of their last training date</li> </ul>	Blanco	\$4,171 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>Obtain the required Class A and Class B operator certification</li> </ul>

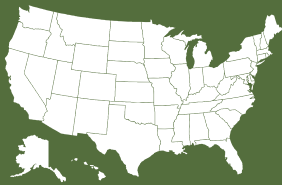


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Storage tank	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Ensure that a cathodic protection system is designed, installed, operated, and maintained in a manner that ensures corrosion protection is continuously provided to all metal components of the UST system</li> </ul>	Galveston	\$5,400 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Submit a Stage II Decommissioning Checklist, Submittal Form, and the required test results and site map to the TCEQ and local government with jurisdiction of the site</li> <li>• Maintain UST records</li> <li>• Ensure records are immediately available for inspection upon request by agency personnel</li> <li>• Monitor USTs for releases at least once a month</li> <li>• Install a secure anchor at the base of the dispenser in each pressurized delivery or product line</li> <li>• Report a suspected release to the TCEQ within 24 hours of discovery</li> <li>• Ensure that the UST systems are operated, maintained, and managed in a manner that will prevent releases of regulated substances</li> </ul>	Galveston	\$24,277 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Submit a current 60-day spill bucket inspection log</li> <li>• Submit the retrained Class C Operator certificates</li> <li>• Submit the shear valves anchored in dispenser</li> <li>• Submit a photo and invoice of a newly installed rubber seal on the Stage I dust cap</li> </ul>



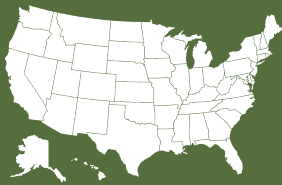
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Storage tank	Gas station with convenience store	Administrative Order	<p>Failure to:</p> <ul style="list-style-type: none"> <li>Maintain legible copies of records pertaining to a UST system in a secure location on the facility premises</li> <li>Ensure records are immediately available for inspection by TCEQ personnel</li> <li>Provide release detection for the pressurized piping associated with the UST system</li> <li>Conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel</li> <li>Provide a completely and accurately filled out UST registration form</li> <li>Remove and properly dispose of any liquid or debris found in any sumps, manways, overspill containers, or catchment basins associated with a UST system within 96 hours of discovery</li> <li>Ensure the UST system was operated, maintained, and managed in a manner that prevents releases of regulated substances and in accordance with accepted industry practices</li> <li>Conduct reconciliation of detailed inventory control records at least once each month</li> <li>Maintain Stage II records and make them immediately available for review upon request by agency representatives</li> <li>Have overfill prevention equipment installed on each UST</li> <li>Have each pressurized line tested or monitored for releases at least once a month</li> </ul>	Galveston	<p>\$5,965 fine. In addition, the retailer was required to:</p> <ul style="list-style-type: none"> <li>Submit ATG leak tests and a Class A/B Operator Certificate</li> <li>Submit documentation of corrosion protection (tank material)</li> <li>Conduct the annual line leak detector and piping tightness tests</li> <li>Submit an invoice stating that no leaking filters were found and that all fuel filters were tightened and no leaks were observed after restarting the dispensers</li> <li>Submit the Stage II Facility Representative Certificate, the CARB Executive Order, and the full system triennial test results</li> <li>Submit all required Stage II records</li> <li>Submit an updated maintenance log</li> </ul>



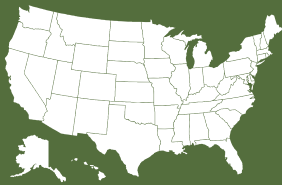


# TEXAS

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Storage tank	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Complete all decommissioning activities</li> <li>• Submit a decommissioning completion notice within 10 days of completion of all decommissioning activity at the gas station</li> <li>• Maintain legible copies of records pertaining to a UST system in a secure location</li> <li>• Ensure records are immediately available for inspection by TCEQ personnel</li> <li>• Adequately protect a temporarily out-of-service UST from corrosion</li> <li>• Remove and properly dispose of any liquid or debris found in any sumps, manways, overspill containers or catchment basins associated with a UST system within 96 hours of discovery</li> <li>• Ensure the UST system is operated, maintained, and managed in accordance with accepted industry practices</li> <li>• Provide a completely and accurately filled out UST registration form</li> <li>• Properly temporarily remove a UST from service</li> <li>• Ensure that any residue from stored regulated substances, which remains in the system does not exceed a depth of 2.5 centimeters at the deepest point and 0.3% by weight of the system at full capacity</li> </ul>	Galveston	\$5,751 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Remove Stage II instructions from all dispenser cabinets</li> <li>• Submit the decommissioning completion notice</li> <li>• Submit monthly inventory control for all grades of fuel, the most recent line and leak detector test results, and documentation of financial assurance and overfill prevention</li> <li>• Submit monthly inventory control for regular unleaded fuel</li> <li>• Removed liquid and debris from all spill buckets and dispenser sumps</li> <li>• Secure the kerosene fill port tank access point</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Orange	\$3,600 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Guadalupe	\$2,700 fine.

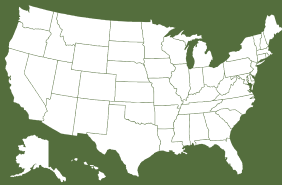


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Storage tank	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Harris	\$4,500. In addition, the retailer no longer owns the business
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Investigate a suspected release of regulated substance within 30 days of discovery</li> </ul>	Harris	\$13,917 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> </ul>	Brazoria	\$3,660 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Maintain legible copies of records pertaining to an UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST Contractor</li> <li>• Designate, train, and certify at least one named individual for each class of operator: Class A, Class B, and Class C</li> </ul>	Kaufman	\$4,800 fine.
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Maintain legible copies of records pertaining to an UST system</li> <li>• Ensure records are available for inspection by the TCEQ or their UST contractor</li> </ul>	Bexar	\$2,400 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Implement a method of release detection for its USTs</li> </ul>
	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor USTs for releases at least once a month</li> <li>• Maintain UST records</li> <li>• Ensure records are immediately available for inspection upon request by TCEQ personnel</li> </ul>	Johnson	\$2,601 fine.



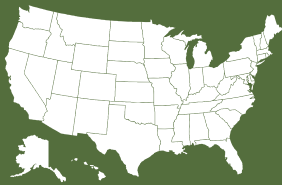
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<b>Water.</b> One gas station with convenience store had violations for failure to monitor and/or report nitrate levels and secondary levels within the required timeline.					
Drinking water	Gas station with convenience store	Administrative Order	Failure to: <ul style="list-style-type: none"> <li>• Monitor and/or report nitrate levels to the TCEQ for the annual monitoring period within the required timeline</li> <li>• Monitor and/or report secondary levels to the TCEQ for the triennial monitoring period within the required timeline</li> </ul>	Val Verde	\$599 fine.

<sup>1</sup> See Glossary for details



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## GLOSSARY

**Administrative Order** — a document issued by the TCEQ that enforces or directs an entity to comply with any provisions, whether of statutes, rules, regulations, permits, licenses, or orders.

**Retail** — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

*Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.*

*Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.*