Texas Department of Housing and Community Affairs,  
a public and official department of the State of Texas  
221 East 11th Street  
Austin, Texas  78701  

Re: Phase Engineering, Inc. Phase I Environmental Site Assessment (ESA) Report No. 201901086  
East Nolana Avenue, McAllen, Hidalgo County, Texas 78504

To Whom It May Concern,

This letter is to certify that the Phase I Environmental Site Assessment (the “Report”) relating to the above referenced property completed by Phase Engineering, Inc. (the “Consultant”) may be conveyed to and relied upon by Texas Department of Housing and Community Affairs as if the Report had originally been prepared for them.

The report fee is Phase Engineering, Inc.’s sole benefit and findings are not contingent on compensation from the client or its affiliates. All persons who have a property interest in this report hereby acknowledge that the Department may publish the full report on the Department’s website, release the report in response to a request for public information and make other use of the reports as authorized by law. Phase Engineering has read and understands the department rules regarding this report as found in 2019 Qualified Allocation Plan as codified in 10 Texas Administrative Code, Chapter 11, Subchapter D, Section 11.305: Environmental Site Assessment Rules and Guidelines.

Thank you for using the professional environmental services of Phase Engineering, Inc. If you should have any questions, please contact me at 713-476-9844.

Sincerely,

James C. Dismukes, P.E.  
President  
Phase Engineering, Inc.
Phase I Environmental Site Assessment

East Nolana Avenue, McAllen, Hidalgo County, Texas 78504

February 22, 2019
PEI Project No.: 201901086

Prepared for:

Texas Grey Oaks LLC
and
Texas Department of Housing and Community Affairs (TDHCA)

Prepared by:

Phase Engineering, Inc.
5524 Cornish Street
Houston, Texas 77007
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1.0 Executive Summary

1.1 Site Summary

<table>
<thead>
<tr>
<th>SITE SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Element</strong></td>
</tr>
<tr>
<td>Subject Property Address</td>
</tr>
<tr>
<td>Current Use of Subject Property</td>
</tr>
<tr>
<td>Legal Description</td>
</tr>
<tr>
<td>Current Owner</td>
</tr>
<tr>
<td>Current Uses of Adjoining Properties:</td>
</tr>
<tr>
<td>North: Undeveloped land</td>
</tr>
<tr>
<td>East: Undeveloped land</td>
</tr>
<tr>
<td>South: Undeveloped land</td>
</tr>
<tr>
<td>West: A driveway, undeveloped land, L&amp;F Distribution facility</td>
</tr>
<tr>
<td>Site Reconnaissance Date</td>
</tr>
</tbody>
</table>

**Physical Setting**

| **Topography** | Elevation: Approximately 113 feet above mean sea level (msl) |
| Groundwater Flow Direction | General Area Topographic Downgradient: northeast |
| Assumed to be consistent with topographic gradient | (See Section 5.3 for more information) |
| Greater than 15 | Depth to Groundwater |
| Beaumont Formation (Qb) | Sub-Surface Geology |
| Gulf Coast Aquifer | Underlying Aquifer(s) |
| 28 - Hidalgo sandy clay loam, 0 to 1 percent slopes | Near Surface Soils |

**Historical Use Subject Property**

<table>
<thead>
<tr>
<th>Year Range</th>
<th>Property Use(s)</th>
<th>Aerial Photos</th>
<th>Topo Maps</th>
<th>Fire Insurance Maps</th>
<th>Street Directories</th>
<th>Interviews</th>
<th>Regulatory Files / Prior Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940s - 2019</td>
<td>Undeveloped and agricultural land</td>
<td>✔</td>
<td>✔</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Historical Use Adjoining Properties**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Historical Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>East Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>South Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>West Adjoining Property</td>
<td>L&amp;F Distributors, a beer / beverage company and distribution warehouse, and undeveloped and agricultural land</td>
</tr>
</tbody>
</table>
### 1.2 Project Summary

<table>
<thead>
<tr>
<th>Report Section</th>
<th>No Further Action</th>
<th>REC</th>
<th>CREC</th>
<th>HREC</th>
<th>Other Environmental Considerations</th>
<th>Suggested Action</th>
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<tbody>
<tr>
<td>1.0 Current Use of Subject Property</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.0 Current Use of Adjoining Properties</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.0 User Provided Information</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1 Standard Environmental Record Sources</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.4.1 Historical Information on Subject Property</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.4.3 Historical Information on Adjoining Properties</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.0 Site Reconnaissance</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.0 Interviews</td>
<td>✔</td>
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</table>

### Non-ASTM Scope Considerations

<table>
<thead>
<tr>
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<th>Further Action Necessary</th>
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<tr>
<td>14.1 Asbestos-Containing Building Materials</td>
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</tr>
<tr>
<td>14.2 Cultural and Historical Resources</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.3 Endangered Species</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.4 Lead-Based Paint</td>
<td>✔</td>
<td></td>
<td></td>
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<tr>
<td>14.5 Lead in Drinking Water</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.6 Radon</td>
<td>✔</td>
<td></td>
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<tr>
<td>14.7 FEMA Flood Map</td>
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<tr>
<td>14.8 Wetlands</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.9 Vapor Encroachment Screening</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.10 Noise Study</td>
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<td></td>
<td></td>
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<tr>
<td>14.11 Explosive and Flammable Hazards</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>14.12 Farmland Designation</td>
<td>✗</td>
<td>✔</td>
<td>Property includes Prime Farmland</td>
</tr>
</tbody>
</table>
1.2.1 Data Gap Summary

A data gap is a lack of or inability to obtain information required by ASTM Practice E1527-13 despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.).

The following table summarizes general areas of the report that may encounter data gaps during the assessment process.

<table>
<thead>
<tr>
<th>Report Element</th>
<th>Report Section</th>
<th>Data Gap</th>
<th>Description of Data Gap</th>
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<tr>
<td><strong>User Responsibilities</strong></td>
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<tr>
<td>Completion of User Questionnaire</td>
<td>4.1</td>
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<tr>
<td>Land Title / Deed Records</td>
<td>5.4.1.4</td>
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<td></td>
<td></td>
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<tr>
<td><strong>Regulatory Agency Records</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard Federal, State, Tribal and</td>
<td>5.1</td>
<td>Yes</td>
<td>No UST removal report was available for the USTs removed from the west</td>
<td>No</td>
</tr>
<tr>
<td>Local Records Review</td>
<td></td>
<td></td>
<td>adjoining property in 2001</td>
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<tr>
<td>Additional Federal, State, Tribal and</td>
<td>5.2</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>Local Records Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Historical Sources</strong></td>
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</tr>
<tr>
<td>Aerial Photographs</td>
<td>5.4.1.1</td>
<td>No</td>
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<td></td>
</tr>
<tr>
<td>Fire Insurance Rate Maps</td>
<td>5.4.1.2</td>
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<td>Property Tax Records</td>
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</tr>
<tr>
<td>Land Title Records</td>
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<td></td>
</tr>
<tr>
<td>Topographic Maps</td>
<td>5.4.1.5</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Directories</td>
<td>5.4.1.6</td>
<td>No</td>
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</tr>
<tr>
<td>Other Historical Records</td>
<td>5.4.1.7</td>
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<td>Historical Use of Subject Property</td>
<td>5.4.2</td>
<td>No</td>
<td></td>
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<tr>
<td>Historical Use of Adjoining Properties</td>
<td>5.4.3</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site Reconnaissance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observations of Subject Property</td>
<td>6.0</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observation of Surrounding Properties</td>
<td>6.0</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interviews</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Owner</td>
<td>7.1</td>
<td>Yes</td>
<td>No response received</td>
<td>No</td>
</tr>
<tr>
<td>Report Element</td>
<td>Report Section</td>
<td>Data Gap</td>
<td>Description of Data Gap</td>
<td>Significant</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------------</td>
<td>----------</td>
<td>---------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Key Property Manager</td>
<td>7.1</td>
<td>Yes</td>
<td>Not interviewed</td>
<td>No</td>
</tr>
<tr>
<td>Occupant(s)</td>
<td>7.1</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past Owners / Managers / Occupants</td>
<td>7.1</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Adjoining Property Owners / Occupants</td>
<td>7.1</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State / Local Health/ Environmental Department</td>
<td>7.2</td>
<td>Yes</td>
<td>No response received</td>
<td>No</td>
</tr>
<tr>
<td>Local Fire Department</td>
<td>7.2</td>
<td>Yes</td>
<td>No response received</td>
<td>No</td>
</tr>
<tr>
<td>Local Building Permit / Inspection Department</td>
<td>7.2</td>
<td>Yes</td>
<td>No response received</td>
<td>No</td>
</tr>
<tr>
<td>Local Planning / Zoning Department</td>
<td>7.2</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Water Utility Company</td>
<td>7.2</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1.3 Findings and Opinions

Known or suspect environmental conditions associated with the subject property and the environmental professional’s opinion(s) of the impact on the property of known or suspect environmental conditions identified are as follows:

**Former onsite agricultural land**

Agricultural land was located onsite in the past.

**Standard Environmental Record Sources, Federal, State & Tribal**

No regulatory agency listings were found in connection with this finding. See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.

**Records Review**

Historically, the subject property was agricultural land. Past use as agricultural land may have involved the storage and usage of pesticides, insecticides, herbicides, fungicides, fertilizers and / or other agricultural chemicals. No structures or areas that may have been utilized for storage or loading of these products were noted on historical information reviewed, interviews or during the site visit. These products are not considered a recognized environmental condition per Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provided they were legally stored, processed and / or applied. Agricultural chemicals that may have been previously stored and / or applied at the subject property would likely have degraded due to surface runoff or atmospheric exposure since the subject property was last utilized for agricultural purposes. Additionally, contact to potentially remaining agricultural residual products would likely be limited during future anticipated development activities including import of engineered fill material and construction of onsite structures. See Section 5.4 for more information regarding historical sources reviewed during this assessment.

**Site Reconnaissance**

No features were observed to be associated with this finding during the site reconnaissance. See Section 6.0 for more information regarding observations noted during the site reconnaissance.
Interviews and/or Inquiries

No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment. See Section 7.0 for more information regarding interviews and inquiries conducted during this assessment.

OPINION

Phase Engineering, Inc. has the opinion that, based on lack of former onsite structures that may have potentially been utilized for storage or loading of agricultural chemicals and length of time since the subject property was utilized for agricultural purposes, it does not appear past use as agricultural land has impacted the subject property. This does not represent a recognized environmental condition.

West adjoining UST / AST / RDR / LPST site

A UST / AST / RDR / LPST site it located on the west adjoining property.

Standard Environmental Record Sources, Federal, State & Tribal

The west adjoining property, addressed as 3900 North McColl Road under the name LF Distributors, is a registered UST / AST facility, an RDR submittal site and an LPST site. Two USTs were installed at this facility prior to 1978 and were removed in 2001. A petroleum product release was discovered at this facility in October 1991 when a line leak was detected. The pipechase was over-excavated and a soil sample exhibited contamination below action levels. This facility received a NFA letter from the TWC in January 1992, and the LPST was granted closure at the time of issuance. Violations were issued to this facility during an April 1995 investigation for failure to pay annual facility fees for USTs; failure to monitor USTs for releases at a frequency of at least once every month; and failure to monitor piping which conveys regulated substances for releases. These violations resulted in an enforcement order which was closed in October 1995. No documentation regarding release determination activities possibly conducted in association with UST removal was available for Phase Engineering, Inc. to review upon request from the TCEQ. This is a data gap. Two ASTs were installed at this facility in 2002 and are currently in use. Aerial photographs indicate this facility was expanded in the late 1990s / early 2000s. The area where the USTs were located was likely on the far west of this site, putting them at a distance of over 500 feet from the subject property boundary. According to topographic maps, this facility is cross-gradient to the subject property; therefore, any releases at this facility were not likely to migrate to the subject property. See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.

Records Review

None of the records reviewed during this assessment were found to be in connection with this finding. See Section 5.4 for more information regarding historical sources reviewed during this assessment.

Site Reconnaissance

No features were observed to be associated with this finding during the site reconnaissance. See Section 6.0 for more information regarding observations noted during the site reconnaissance.

Interviews and/or Inquiries
No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment. See Section 7.0 for more information regarding interviews and inquires conducted during this assessment.

**OPINION**

Phase Engineering, Inc. has the opinion that based on direction, distance to the former USTs and lack of impact in excess of action levels detected during former LPST investigations, this facility does not appear to have impacted the subject property. This does not represent a recognized environmental condition.

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**West adjoining pipeline**

A pipeline is located on the west adjoining property.

**Standard Environmental Record Sources, Federal, State & Tribal**

No regulatory agency listings were found in connection with this finding. See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.

**Records Review**

The Texas Railroad Commission Oil / Gas Well map shows an active Energy Transfer Company natural gas pipeline on the west adjoining property. The pipeline is visible on topographic maps reviewed for this assessment. No spills or releases are on record with the Texas Commission on Environmental Quality (TCEQ) or with the Emergency Response Notification System (ERNS) for the pipeline. See Section 5.4 for more information regarding historical sources reviewed during this assessment.

**Site Reconnaissance**

Pipeline markers were observed on the west adjoining property. The type of pipeline was not identified, but it was marked as belonging to Energy Transfer Company. No indications of any releases were observed and no odors were noted in the area of the pipeline. See Section 6.0 for more information regarding observations noted during the site reconnaissance.

**Interviews and/or Inquiries**

No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment. See Section 7.0 for more information regarding interviews and inquires conducted during this assessment.

**OPINION**

Phase Engineering, Inc. has the opinion that, based on lack of reported / observed releases, the west adjoining pipeline does not appear to have impacted the subject property. This does not represent a recognized environmental condition.

---

### 1.4 Conclusions

Phase Engineering, Inc. has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of subject property and more fully described within the report. Any exception to, or deletions from, this practice are described in Section 2.0 of the report.
Recognized environmental condition is defined in ASTM Standard E 1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” Phase Engineering, Inc. has considered all migration pathways including soil, groundwater and vapor during evaluation of all identified environmental conditions. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

A controlled recognized environmental condition (CREC) is defined in ASTM Standard E 1527-13 as “a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.” Controlled recognized environmental conditions are recognized environmental conditions. This assessment has revealed no evidence of controlled recognized environmental conditions in connection with the property.

A historical recognized environmental condition (HREC) is defined in ASTM Standard E 1527-13 as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.” A historical recognized environmental condition is not a recognized environmental condition. This assessment has revealed no evidence of historical recognized environmental conditions in connection with the property.

De minimis conditions are defined in ASTM Standard E 1527-13 as conditions “that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.” De minimis conditions are not recognized environmental conditions. This assessment has revealed no evidence of de minimis conditions in connection with the property.

1.5 Recommendations

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following recommendation is made with respect to the environmental aspects of the subject property:</td>
</tr>
<tr>
<td>No further investigation is required to identify a recognized environmental condition.</td>
</tr>
</tbody>
</table>
2.0  Introduction

2.1  Purpose of Assignment

The purpose of this assignment is to prepare a Phase I Environmental Site Assessment Report of the subject property and more fully described in this report; to conduct All Appropriate Inquiry as defined in EPA 40 CFR Part 312, to permit the user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended in 2002; and to identify, to the extent feasible pursuant to the processes prescribed in ASTM Standard E 1527-13 recognized environmental conditions in connection with the subject property. All migration pathways and environmental media (i.e. soil, groundwater, vapor) are considered in the determination of recognized environmental conditions.

In addition, the purpose for the Phase I Environmental Site Assessment is to satisfy the environmental responsibilities for the US Department of Housing and Urban Development (HUD) pursuant to 24 CFR 50.3(i).

2.2  Scope of Work

The Phase I Environmental Site Assessment was prepared in accordance with the ASTM Standard Practice E 1527-13 for Environmental Site Assessments and the EPA Rule on All Appropriate Inquiries and within any additional limitations and deviations noted in the report. The general scope of work includes:

- Interviews with past and present owners, operators and occupants;
- Interviews with local government officials;
- Review of historical sources of information;
- Review of federal, state, tribal and local government records;
- Visual inspections of the property and adjoining properties;
- Preparation of report.

The Phase I Environmental Site Assessment does not include:

- Soil, groundwater, or building material sampling;
- Chain of title or environmental lien search;
- Any non-scope considerations, unless specifically contracted for, as listed in the ASTM Standard E 1527-13 Sections 13.1.5.1 through 13.1.5.14 (see Section 14 of this report).

2.3  Significant Assumptions

Phase Engineering, Inc. assumes there are no hidden or unapparent environmental conditions of the property, subsoil, groundwater, structures or surroundings which would have an adverse effect on the property. Phase Engineering, Inc. assumes no responsibility for such conditions or for engineering or inspections which might be required to discover such conditions.

Record and interview information furnished to Phase Engineering, Inc., and contained in the report, were obtained from sources assumed to be reliable and believed to be true and correct. However, Phase Engineering, Inc. assumes no responsibility for any inaccuracies in such items which may be revealed as a result of subsequent action, either by Phase Engineering, Inc. or others. Accuracy or completeness of record information varies among information sources, including governmental sources. Record information is often inaccurate or incomplete. Numerous sites are considered unmapped because the federal or state databases do not adequately define the address and/or location to properly plot the site using standard geo-coding processes. Unmapped sites are generally reviewed using a zip code and street name search.
Phase Engineering, Inc. is not obligated to identify mistakes or insufficiencies in information provided. Phase Engineering, Inc. will make a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are obvious in light of other information of which Phase Engineering, Inc. has actual knowledge at the time of preparation of the report.

Groundwater flow is assumed to be in the direction of surface topography unless otherwise noted in the report.

2.4 Limitations and Exceptions of Assessment

This report is prepared in general accordance to the ASTM Standard Practice for Environmental Site Assessments in accordance with Standard E 1527-13. No non-scope items as noted in the ASTM Standards of Practice taken into consideration, except as noted.

The findings and conclusions of this report are based on Phase Engineering, Inc. professional opinions of the environmental conditions identified using the methodology described in ASTM Standard E 1527-13. If greater certainty is desired by the user of the report, further investigation beyond the scope of the ASTM Standard E 1527-13 may be necessary.

Phase Engineering, Inc. has estimated neither the cost of the impact on the property nor the costs necessary to eliminate the recognized environmental conditions.

The report was limited to information concerning the observed physical characteristics of the site and adjoining properties, interviews, and standard environmental record sources.

No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of the ASTM Standard is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and the practice recognizes reasonable limits of time and cost. The time and cost constraints as agreed to by the user or his representative may deem certain information common to the Phase I Site Assessment process to not be reasonably ascertainable or practically reviewable.

Appropriate inquiry does not mean an exhaustive assessment of a property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of the transaction.

Any sketches, maps, aerial photographs, or similar documents in the report may show approximate locations, property boundaries, or similar information and are included to assist the reader in visualizing the property. Phase Engineering, Inc. has made no survey of the site.

Phase Engineering, Inc. is not required to give testimony or appear in court or in other hearings or formal discussions regarding the subject property or this assessment unless prior arrangements are made.

Phase Engineering, Inc. assumes there are no hidden or unapparent environmental conditions of the site, subsoil, structures or surroundings which would represent a recognized environmental condition. Phase Engineering, Inc. assumes no responsibility for such conditions or for actions which might be required to discover such conditions.

Information obtained from various sources is considered reliable and believed to be true and correct. Phase Engineering, Inc. will make a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are obvious in light of other information of which Phase Engineering, Inc. has actual knowledge. Phase Engineering, Inc. assumes no responsibility for any inaccuracies in such items.
which may be revealed as a result of subsequent action, either by Phase Engineering, Inc. or others.

This report is prepared for the sole benefit of the user of the report and may not be relied upon by any other person or entity without the written authorization of and payment of a fee to Phase Engineering, Inc.

The report is valid for a period of 180 days from the date issued. Validity for AAI liability protections may be less. The report may not be used or updated by a third party without written authorization of and payment of a fee to Phase Engineering, Inc.

Phase Engineering, Inc. provides no legal opinion or advice. Consult a qualified attorney for any items of a legal nature.

2.5 Special Terms and Conditions

No special terms or conditions were applicable to this report.

2.6 User Reliance

This report is prepared for the sole benefit of the user of the report as identified in Section 4.0 of this report and may not be relied upon by any other person or entity without the written authorization of Phase Engineering, Inc. Each subsequent user must satisfy the User’s Responsibilities set forth in Section 6 of the ASTM Standard E 1527-13 to qualify for the landowner liability protections under CERCLA.
3.0 Site Description

3.1 Subject Property Location and Description

<table>
<thead>
<tr>
<th>Subject Property Address</th>
<th>East Nolana Avenue, McAllen, Hidalgo County, Texas 78504</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Location</td>
<td>An area location map and a site sketch are located in Appendix I of this report.</td>
</tr>
<tr>
<td>Legal Description</td>
<td>Lot 3, Block 4, A.J. McColl Subdivision (per client provided survey)</td>
</tr>
<tr>
<td>Current Owner(s)</td>
<td>South Padre Retail Center LTD</td>
</tr>
</tbody>
</table>

3.2 Current Use of Subject Property

<table>
<thead>
<tr>
<th>Current Use of the Property</th>
<th>Undeveloped land</th>
</tr>
</thead>
</table>

3.3 Current Uses of Adjoining Properties

<table>
<thead>
<tr>
<th>Adjoining Property Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To the North</td>
<td>Undeveloped land</td>
</tr>
<tr>
<td>To the East</td>
<td>Undeveloped land</td>
</tr>
<tr>
<td>To the South</td>
<td>Undeveloped land</td>
</tr>
<tr>
<td>To the West</td>
<td>A driveway, undeveloped land, L&amp;F Distribution facility</td>
</tr>
</tbody>
</table>

3.4 Description of Onsite Structures, Roads and Other Improvements

3.4.1 Onsite Structures

There are no structures located at the subject property.

3.4.2 Roads

The following roads were observed onsite or adjacent to the subject property:

<table>
<thead>
<tr>
<th>Road Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Name</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>East Nolana Avenue</td>
</tr>
</tbody>
</table>

3.4.3 Other Improvements / Utilities at the Subject Property

The following utilities and other improvements were identified at the subject property:

| Water Source               | Municipal water system |
| Sanitary Sewer Source      | Municipal sanitary sewer |
| Other Improvements         | No other improvements observed |
4.0 User Provided Information

4.1 User Responsibilities Information

User(s) of this report: Texas Grey Oaks LLC

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the “Brownfields Amendments”) the user must conduct the following inquiries required by 40 CFR 312.25, 312.28, 312.29, 312.30 and 312.31. These inquiries must also be conducted by EPA Brownfield Assessment and Characterization grantees. The user should provide the following information (if available) to the environmental professional. Failure to conduct these inquiries (or where the user has not provided conclusive answers) could result in a determination that “all appropriate inquiries” is not complete.

If any user of this report desires Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, the user should complete the “user responsibilities” included in Appendix IV.

The following information was provided by Steve Lollis, Purchaser.

The following information was provided by Steve Lollis, Purchaser

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Environmental cleanup liens that are filed or recorded against the property (40 CFR 312.25).</td>
<td></td>
</tr>
<tr>
<td>Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state or local law?</td>
<td>No</td>
</tr>
<tr>
<td>2. Activity and land use (AUL’s) limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26(a)(1)(v) and vi)).</td>
<td></td>
</tr>
<tr>
<td>Did a search of recorded land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions or institutional controls that are in place of the property and/or have been filed or recorded against the property under federal, tribal, state or local law?</td>
<td>No</td>
</tr>
<tr>
<td>3. Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).</td>
<td></td>
</tr>
<tr>
<td>Do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?</td>
<td>No</td>
</tr>
<tr>
<td>Question</td>
<td>Response</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>4. Relationship to the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).</td>
<td></td>
</tr>
<tr>
<td>Does the purchase price being paid for this property reasonably reflect the fair market value of the property?</td>
<td>Yes</td>
</tr>
<tr>
<td>If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?</td>
<td>No</td>
</tr>
</tbody>
</table>

| 5. Commonly known or reasonably ascertainable information about the property (40 CFR 312.30). |          |
| Are you aware of commonly known or reasonably ascertainable information about the property that would help Phase Engineering, Inc. to identify conditions indicative of releases or threatened releases? For example, as user, |          |
| (a.) Do you know the past uses of the property? | No       |
| (b.) Do you know of specific chemicals that are present or once were present at the property? | No       |
| (c.) Do you know of spills or other chemical releases that have taken place at the property? | No       |
| (d.) Do you know of any environmental cleanups that have taken place at the property? | No       |

| 6. The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31). |          |
| As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property? | No       |

<table>
<thead>
<tr>
<th>User Provided Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Information Provided</td>
<td>Details of Provided Information</td>
</tr>
<tr>
<td>Property Owner's Information</td>
<td>Reuben Bar-Yadin / 210416.6999</td>
</tr>
<tr>
<td>Survey</td>
<td>Dated February 12, 2019.</td>
</tr>
</tbody>
</table>

### 4.2 Reason for Performing Phase I

As per ASTM Standard E 1527-13, it is the user's responsibility to identify the reason for performing the Environmental Site Assessment, which may include, among other reasons, the intention to satisfy one of the requirements to qualify for one of the landowner liability protections under CERCLA. If no reason for performing the Environmental Site Assessment is provided by the user, it is assumed the report is to conduct all appropriate inquiry to satisfy one of the landowner liability protections under CERCLA.
5.0 Records Review

5.1 Standard Environmental Record Sources, Federal, State & Tribal

The following federal, state and tribal environmental records were searched. This information was provided by AAI Environmental Data and is subject to the AAI Data Disclaimer. Full descriptions on the search and facilities located are included in the Appendix. The AAI Data summary is as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Environmental Record</th>
<th>ASTM Search Distance (miles)</th>
<th>Subject Property</th>
<th>Adjoining Property</th>
<th>1/2 Mile</th>
<th>1 Mile</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EPA</td>
<td>SEMS**</td>
<td>1.000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>EPA</td>
<td>RCRA***</td>
<td>Adjoining*</td>
<td>0</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>EPA</td>
<td>RCRA TSDF</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>EPA</td>
<td>RCRA CORRACT</td>
<td>1.000</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NRC</td>
<td>ERNS</td>
<td>Subject Property</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td><strong>State and Tribal Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCEQ</td>
<td>SPL (NPL/CERCLIS)</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>MSW</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>CLI</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>AST</td>
<td>Adjoining*</td>
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<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>TCEQ</td>
<td>UST</td>
<td>Adjoining*</td>
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<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>TCEQ</td>
<td>LPST</td>
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<td>0</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>6</td>
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<tr>
<td>TCEQ</td>
<td>RDR</td>
<td>Adjoining*</td>
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<td>4</td>
<td>-</td>
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<td>4</td>
</tr>
<tr>
<td>TCEQ</td>
<td>IOP</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>VCP</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>RRC TX</td>
<td>RRC-VCP</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
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<tr>
<td>TCEQ</td>
<td>BROWNFIELD</td>
<td>0.500</td>
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<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>IHW</td>
<td>Adjoining*</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>IHWCA</td>
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<td>0</td>
</tr>
<tr>
<td>RRC TX</td>
<td>RRC-BRP</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td><strong>Supplemental Databases</strong></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>TCEQ</td>
<td>MSD</td>
<td>1.000</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>DCR</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>TCEQ</td>
<td>DCRP</td>
<td>0.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>NRC</td>
<td>ACRES</td>
<td>0.500</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>-</td>
<td>0</td>
</tr>
</tbody>
</table>

*Adjoining properties are defined as being within a search radius of 0.25 mi. from the subject property boundaries.

**SEMS includes CERCLIS, NPL, NPL delisted, NFRAP, and IC/EC

***RCRA includes RCRA and IC/EC

<table>
<thead>
<tr>
<th>UNGEOCODED SITES</th>
<th>Environmental Records</th>
<th>ASTM Search Distance (miles)</th>
<th>Total Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal / State / Tribal</td>
<td>Subject Property - 1.0 mile</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

### Ungeocoded Sites

Numerous sites / facilities are considered ungeocoded because the federal, state or local databases do
not adequately define or represent the address and/or location to properly plot the site using standard geo-coding processes. Ungeocoded sites are generally reviewed using a zip code and street name search.

There were no ungeocoded sites identified under this assessment.

**Superfund Enterprise Management System (SEMS)**

Effective January 31, 2014, the Superfund program decommissioned CERCLIS and transitioned to the Superfund Enterprise Management System (SEMS). CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System) was a database used by the U.S. Environmental Protection Agency (EPA) to track activities under its Superfund program. The reports previously generated by the CERCLIS legacy system are now updated with SEMS – the Superfund Enterprise Management System – and include the same data and content. This database is the source for CERCLIS, NPL, NPL Delisted, NFRAP and IC/EC.

**CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System)**

The CERCLIS List previously contained sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL. The information on each site included a history of all pre-remedial, remedial, removal and community relations activities or events at the site, financial funding information for the events, and unrestricted enforcement activities.

**CERCLIS NFRAP(Comprehensive Environmental Response, Compensation and Liability Information System / No Further Remedial Action Planned)**

NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or the contamination was not serious enough to require Federal Superfund action, CERCLA or NPL consideration.

**NPL (National Priority List)**

The NPL list compiled by EPA pursuant to CERCLA 42 U.S.C. § 9605(a)(8)(B) of properties with the highest priority for cleanup pursuant to EPA’s Hazard Ranking System. See 40 C.F.R. Part 300.

**NPL Delisted (National Priority List - Delisted)**

Deletion of sites from the NPL may occur once all response actions are complete and all cleanup goals have been achieved. EPA is responsible for processing deletions with concurrence from the State. Deleted sites may still require five-year reviews to assess protectiveness. If future site conditions warrant, additional response actions can be taken, using the Superfund Trust Fund or by Potentially Responsible Parties. Relisting on the NPL is not necessary; however, sites can be restored to the NPL if extensive response work is required. EPA can also delete portions of sites that meet deletion criteria.

**Federal Institutional Control / Engineering Control (IC / EC) Registries**

Land Use Controls (LUCs) - Land Use controls may consist of Institutional Controls (ICs) and Engineering Controls (ECs). LUCs help to minimize the potential for exposure to contamination and/or protect the integrity of a response action and are typically designed to work by limiting land and/or resource use or by providing information that helps modify or guide human behavior at a site. Institutional Controls (ICs) are non-engineering measures and are almost always used in conjunction with, or as a supplement to, other measures such as waste treatment or containment. There are four categories of ICs: Governmental Controls (zoning restrictions, ordinances, statues, building permits or other provisions that restrict land or resource use at a site), Proprietary Controls (easements, covenants, Deed Restrictions), Enforcement and Permit Tools (consent decrees, administrative orders), and Informational Devices (State Registries of...
contaminated sites, deed notices and advisories). ICs are used when contamination is first discovered, when remedies are ongoing and when residual contamination remains onsite at a level that does not allow for unlimited use and unrestricted exposure after cleanup. Engineering Controls (ECs) encompass a variety of engineered and constructed physical barriers to contain and/or prevent exposure to contamination on a property. ECs are often installed during cleanup as a condition of a no further action determination and are generally intended to be in place for long periods of time.


Hazardous waste treatment, storage, or disposal facilities and other RCRA-regulated facilities (due to past interim status or storage of hazardous wastes beyond 90 days) that have been notified by the U.S. Environmental Protection Agency to undertake corrective action under RCRA. The CORRACTS list is a subset of the EPA database that manages RCRA data.


Those facilities on which treatment, storage and / or disposal of hazardous wastes takes place, as defined and regulated by RCRA.

**Resource Conservation and Recovery Act (RCRA) Generators of Hazardous Wastes**

RCRA Resource Conservation and Recovery Act Information - RCRAInfo is the U.S. Environmental Protection Agency’s comprehensive information and inventory system that supports the RCRA (1976) and HSWA (1984) through the tracking of events and activities regarding permit/closure status, compliance with Federal and State regulations and cleanup activities at facilities that generate, treat, store or dispose of hazardous waste. Information on cleaning up after accidents or other activities that result in a release of hazardous materials to the water, air or land is also reported through RCRAInfo. Corrective Action is a requirement under RCRA which requires TSD facilities owners and operators to investigate and cleanup hazardous waste releases into soil, groundwater, surface water and air.

**Emergency Response Notification System (ERNS)**

The ERNS program is a cooperative data sharing effort among the Environmental Protection Agency (EPA) Headquarters, the Department of Transportation (DOT), National Transportation Systems Center (NTSC), the ten EPA Regions, the U.S. Coast Guard (USCG), and the National Response Center (NRC). ERNS provide the most comprehensive data compiled on notifications of oil discharges and hazardous substances releases in the United States. The types of release reports that are available in ERNS fall into three major categories: substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; oil and petroleum products (Clean Water Act of 1972), as amended by the Oil Pollution Act of 1990; and all other types of materials. EARNS is a database of initial notifications and not incidents, so there are limitations to the data. There may be multiple reports for a single incident, and because reports are taken over the phone, misspellings, and locational information limit the quality of some data.

**State / Tribal Equivalent - National Priority List (NPL)**

This list is the state / tribal equivalent to the EPA NPL list.
State / Tribal Equivalent Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) (SCL)

This list is the state / tribal equivalent to the EPA CERCLIS list.

State / Tribal Voluntary Cleanup Program Sites

List of state / tribal sites undergoing investigation, remediation and / or response action under the applicable state / tribal environmental regulatory agency.

Solid Waste Landfills (SWLF)

List of landfills, transfer stations, sludge application sites, illegal dump sites, recycling facilities, and medical waste generators and transporters.

Leaking Petroleum Storage Tank Sites (LPST)

State lists of leaking underground storage tank sites. RCRA gives EPA and states, under cooperative agreements with the EPA, authority to cleanup releases from UST systems or require owners and operators to do so. (42 U.S.C. § 6991b).

Registered Storage Tanks

Underground storage tanks (USTs) - Any tank, including underground piping connected to the tank, that is or has been used to contain hazardous substances or petroleum products and the volume of which is 10% or more beneath the surface of the ground.

Aboveground storage tanks (ASTs) - Any tank, including aboveground piping connected to the tank, that is or has been used to contain hazardous substances or petroleum products and the volume of which is 90% or more above the surface of the ground.

State / Tribal Institutional Control / Engineering Control Registries

Engineering Controls (EC) – Physical modifications to a site or facility (for example, capping, slurry walls, or point of use water treatment) to reduce or eliminate the potential for exposure to hazardous substances or petroleum products in the soil or groundwater on the property. Engineering controls are a type of activity and use limitation (AUL).

Institutional Controls (IC) – A legal or administrative restriction (for example, “deed restrictions,” restrictive covenants, easements, or zoning) on the use of, or access to, a site or facility to (1) reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or ground water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. An institutional control is a type of Activity and Use Limitation (AUL).

IC / EC Registries – Databases of institutional controls or engineering controls that may be maintained by a federal, state or local environmental agency for purposes of tracking sites that may contain residual contamination and AULs. The names for these may vary from program to program and state to state.

Federal / State / Tribal Brownfields

Federal - ACRES Assessment, Cleanup and Redevelopment Exchange System (EPA Brownfield)

The EPA’s ACRES database stores information reported by EPA Brownfields Grantees on Brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. Recipients are awarded EPA Brownfields funding to address...
hazardous substances and/or petroleum contamination at brownfield properties. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.

**State / Tribal - Brownfields Site Assessments (BSA)**
The BSA Program administers a grant provided by the EPA to perform Brownfields site assessment for local governments and non-profit organizations who are not responsible parties. State and local agencies work in close partnership with the EPA and other federal, state, and local redevelopment agencies, and stakeholders, to facilitate cleanup, transfer and revitalization of Brownfields through the development of regulatory, tax, and technical assistance tools.

**Sites Found:**

<table>
<thead>
<tr>
<th>Map ID#</th>
<th>Type</th>
<th>Facility ID#</th>
<th>Facility Name</th>
<th>Address</th>
<th>Distance (mi) / Direction</th>
<th>Apparent Impact to Subject Property</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>LPST</td>
<td>101344</td>
<td>L &amp; F DISTRIBUTORS</td>
<td>3900 N MCCOLL RD MCALLEN,TX</td>
<td>0.13 W</td>
<td>No</td>
<td>See information in table below</td>
</tr>
<tr>
<td>2</td>
<td>AST</td>
<td>28077</td>
<td>L &amp; F DISTRIBUTORS</td>
<td>3900 N MCCOLL RD MCALLEN,TX 78501</td>
<td>0.13 W</td>
<td>No</td>
<td>See information in table below</td>
</tr>
<tr>
<td>3</td>
<td>RDR</td>
<td>3509</td>
<td>L &amp; F DISTRIBUTORS</td>
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<td>0.13 W</td>
<td>No</td>
<td>See information in table below</td>
</tr>
<tr>
<td>4</td>
<td>UST</td>
<td>28077</td>
<td>L &amp; F DISTRIBUTORS</td>
<td>3900 N MCCOLL RD MCALLEN,TX 78501</td>
<td>0.13 W</td>
<td>No</td>
<td>See information in table below</td>
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<tr>
<td>5</td>
<td>RCRA</td>
<td>TXR0000818</td>
<td>WALMART NEIGHBORHOOD MARKET #6098</td>
<td>800 E NOLOGA AVE MCALLEN,TX 78504</td>
<td>0.2 NW</td>
<td>No</td>
<td>Distance</td>
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<tr>
<td>6</td>
<td>LPST</td>
<td>117969</td>
<td>STRIPES 2240</td>
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<td>Distance</td>
</tr>
<tr>
<td>7</td>
<td>RDR</td>
<td>17848</td>
<td>STRIPES 2240</td>
<td>1407 W NOLANA LOOP PHARR,TX 78577</td>
<td>0.22 NE</td>
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<td>Distance</td>
</tr>
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<td>8</td>
<td>UST</td>
<td>10394</td>
<td>STRIPES 2240</td>
<td>1407 W NOLANA LOOP PHARR,TX 78577</td>
<td>0.22 NE</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>Map ID#</td>
<td>Type</td>
<td>Facility ID#</td>
<td>Facility Name</td>
<td>Address</td>
<td>Distance (mi) / Direction</td>
<td>Apparent Impact to Subject Property</td>
<td>Justification</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>--------------</td>
<td>---------------</td>
<td>---------</td>
<td>---------------------------</td>
<td>-------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>9</td>
<td>RDR</td>
<td>150</td>
<td>EXPRESS MART FOOD STORE</td>
<td>1401 W. NOLANA PHARR,TX</td>
<td>0.22 NE</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>10</td>
<td>LPST</td>
<td>120314</td>
<td>STRIPES 2557</td>
<td>1406 W NOLANA LOOP PHARR,TX</td>
<td>0.25 NE</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>11</td>
<td>RDR</td>
<td>24809</td>
<td>STRIPES 2557</td>
<td>1406 W NOLANA LOOP PHARR,TX</td>
<td>0.25 NE</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>12</td>
<td>UST</td>
<td>72409</td>
<td>STRIPES 2557</td>
<td>1406 W NOLANA LOOP PHARR,TX</td>
<td>0.25 NE</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>13</td>
<td>LPST</td>
<td>117187</td>
<td>DIAMOND SHAMROCK 1519</td>
<td>3912 N MCCOLL RD MCALLLEN,TX</td>
<td>0.28 NW</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>14</td>
<td>LPST</td>
<td>104315</td>
<td>CIRCLE K 3673</td>
<td>621 E NOLANA AVE MCALLLEN,TX</td>
<td>0.35 NW</td>
<td>No</td>
<td>Distance</td>
</tr>
<tr>
<td>15</td>
<td>LPST</td>
<td>120419</td>
<td>STRIPES 9673</td>
<td>621 E NOLANA AVE MCALLLEN,TX</td>
<td>0.35 NW</td>
<td>No</td>
<td>Distance</td>
</tr>
</tbody>
</table>
Summary of Critical Identified Sites

The west adjoining property, addressed as 3900 North McColl Road under the name LF Distributors, is a registered UST / AST facility, an RDR submittal site and an LPST site. Two USTs were installed at this facility prior to 1978 and were removed in 2001. A petroleum product release was discovered at this facility in October 1991 when a line leak was detected. The pipechase was over-excavated and a soil sample exhibited contamination below action levels. This facility received a NFA letter from the TWC in January 1992, and the LPST was granted closure at the time of issuance.

Violations were issued to this facility during an April 1995 investigation for failure to pay annual facility fees for USTs; failure to monitor USTs for releases at a frequency of at least once every month; and failure to monitor piping which conveys regulated substances for releases. These violations resulted in an enforcement order which was closed in October 1995.

No documentation regarding release determination activities possibly conducted in association with UST removal was available for Phase Engineering, Inc. to review upon request from the TCEQ. This is a data gap.

Two ASTs were installed at this facility in 2002 and are currently in use. Aerial photographs indicate this facility was expanded in the late 1990s / early 2000s. The area where the USTs were located was likely on the far west of this site, putting them at a distance of over 500 feet from the subject property boundary. According to topographic maps, this facility is cross-gradient to the subject property; therefore, any releases at this facility were not likely to migrate to the subject property.

None of the remaining sites listed on the database are the subject property or an adjoining property. There is no indication that the sites identified in the ASTM Standard Environmental Record Sources search have had or will have an environmental impact to the subject property. Phase Engineering, Inc. has the opinion that, based on distance, direction, status or other justifications, it does not appear the subject property has been impacted from these remaining facilities.

Phase Engineering, Inc. has made an attempt to review regulatory agency files to determine if the subject property or any of the adjoining properties have been identified on one or more of the standard environmental record sources per ASTM Standard Practice E 1527-13 Section 8.2.1. The purpose of the regulatory file review is to obtain sufficient information to assist the environmental professional in determining if a recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition or a de minimis condition exists at the subject property in connection with the listing. Phase Engineering, Inc. has provided copies of the relevant reviewed regulatory agency file information in Appendix III of this report. If this information has been determined to be of a file size that is impractical to provide in Appendix III, then this information will be provided at the request of the user of this report under separate cover. Some of the regulatory documentation has been deemed not to be reasonably ascertainable due to (1) information that is not publically available, (2) information that is not obtainable from its source within reasonable time and cost constraints, and (3) information that is not practically reviewable (ASTM Standard Practice E 1527-13 Section 8.1.4). If a regulatory agency file review is not warranted or is not reasonably ascertainable, then Phase Engineering, Inc. has provided an explanation within this report for not conducting the applicable regulatory agency file review.

5.2 Additional Environmental Record Sources

To enhance and supplement the ASTM E1527-13 standard environmental record sources specified in 8.2.1, local records and/or additional state or tribal records shall be checked when, in the judgment of the environmental professional, such additional records (1) are reasonably ascertainable, (2) are sufficiently useful, accurate and complete in light of the objective of the records review (see 8.1.1), and (3) are generally obtained, pursuant to local good commercial or customary practice, in initial environmental site assessments in the type of commercial real estate transaction involved. To the extent additional sources are used to supplement the same record types listed specified in 8.2.1, approximate minimum search...
distances should not be less than those specified above (adjusted as provided in 8.2.1 and 8.1.2.1). Phase Engineering has reviewed additional environmental record sources and has included these sources in this report when the record sources were reasonably ascertainable, sufficiently useful and generally obtained, pursuant to local good commercial or customary practice.

5.3 Physical Setting Sources

The following physical setting sources were searched and no environmental problems due to geologic, hydrogeologic, hydrologic, or topographic characteristics of the subject property were noted nor were conditions identified in which hazardous substances or petroleum products were likely to migrate to the property or from or within the property into the groundwater or soil except as noted. A copy of each source is included in Appendix I of this report.

<table>
<thead>
<tr>
<th>Topographic and Hydrogeologic Settings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source Name</td>
</tr>
<tr>
<td>USGS 7.5 Minute Topographic Map Pharr, Texas 2013</td>
</tr>
<tr>
<td>Current USGS Topographic Map</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Groundwater Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Water Development Board (TWDB)</td>
</tr>
<tr>
<td>Submitted Driller's Database</td>
</tr>
<tr>
<td>Depth: Greater than 15</td>
</tr>
<tr>
<td>Hydraulic Direction: Assumed to be consistent with topographic gradient</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geologic Formation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formation Name</td>
</tr>
<tr>
<td>Beaumont Formation (Qb)</td>
</tr>
</tbody>
</table>

**Underlying Aquifer(s)**

<table>
<thead>
<tr>
<th>Aquifer Name</th>
<th>Aquifer Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gulf Coast Aquifer</td>
<td>&quot;The Gulf Coast Aquifer is a major aquifer paralleling the Gulf of Mexico coastline from the Louisiana border to the Mexican border. It consists of several aquifers, including the Jasper, Evangeline, and Chicot aquifers, which are composed of discontinuous sand, silt, clay, and gravel beds. The maximum total sand thickness for the Gulf Coast Aquifer ranges from 700 feet in the south to 1,300 feet in the north. Freshwater saturated thickness averages about 1,000 feet. Water quality varies with depth and locality: it is generally good in the central and northeastern parts of the aquifer where it contains less than 500 milligrams per liter of total dissolved solids but declines to the south where it typically contains 1,000 to more than 10,000 milligrams per liter of total dissolved solids and where the productivity of the aquifer decreases. High levels of radionuclides, believed mainly to be naturally occurring, are found in some wells in Harris County in the outcrop and in South Texas. The aquifer is used for municipal, industrial, and irrigation purposes. In Harris, Galveston, Fort Bend, Jasper, and Wharton counties, water level declines of up to 350 feet have led to land subsidence. The planning groups recommended several water management strategies that use the Gulf Coast Aquifer, including drilling more wells, pumping more water from existing wells, temporary overdrafting, constructing new or expanded treatment plants, desalinating brackish groundwater, developing conjunctive use projects, and reallocating supplies.&quot;</td>
</tr>
</tbody>
</table>

**Definition Source:** Texas Major Aquifers Geodatabase (Updated December, 2006): Texas Water Development Board (TWDB) GIS Data, [http://www.twdb.state.tx.us/mapping/gisdata](http://www.twdb.state.tx.us/mapping/gisdata) and Texas Water Development Board, Water for Texas 2007, Chapter 7 Groundwater Resources, pg. 176-238 [http://www.twdb.state.tx.us/wrpi/swp/swp.htm](http://www.twdb.state.tx.us/wrpi/swp/swp.htm)

**Flood Zone(s)**

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Zone Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone X500</td>
<td>Areas of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. Zone B is also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile. (Zone X-shaded is used on new and revised maps in place of Zone B)</td>
</tr>
</tbody>
</table>

**Source:** Federal Emergency Management Agency (FEMA) Hidalgo County, Texas Flood Insurance Rate Map (FIRM).

This data was obtained from the most current FEMA information available online. Actual flood elevation should be obtained by a qualified survey or other professional.

During a flood event, the potential exists for the migration of hazardous substances and / or petroleum products to and / or from the subject property.
Near Surface Soils

<table>
<thead>
<tr>
<th>Soil Name(s)</th>
<th>Soil Description</th>
</tr>
</thead>
</table>
| 28 - Hidalgo sandy clay loam, 0 to 1 percent slopes | Component: Hidalgo (85%)
The Hidalgo component makes up 85 percent of the map unit. Slopes are 0 to 1 percent. This component is on terraces on relict delta plains. The parent material consists of calcareous loamy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R083DY501TX Gray Sandy Loam 20-25" Pz ecological site. Nonirrigated land capability classification is 2c. Irrigated land capability classification is 1. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 23 percent. There are no saline horizons within 30 inches of the soil surface. The soil has a maximum sodium adsorption ratio of 4 within 30 inches of the soil surface. |


5.4 Historical Use Information

Historical sources were consulted to develop a history of the previous uses of the property and the surrounding area, in order to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the property. All obvious uses of the property were identified from the present, back to the property’s obvious first developed use, or back to 1940, whichever is earlier as per ASTM E 1527-13, Section 8.1.4, Reasonably Ascertainable / Standard Sources.

5.4.1 Standard Historical Sources

The following historical sources were consulted to determine prior usage and potential areas of environmental problem areas:

5.4.1.1 Aerial Photographs

Aerial photographs were reviewed for use which would indicate areas of environmental concern. The aerial photographs did not indicate any usage except as noted in this report and are included in Appendix I. The following aerial photographs were reviewed as part of this assessment:

<table>
<thead>
<tr>
<th>Aerial Photograph Year(s)</th>
<th>Improvement Type(s)</th>
<th>Identified Area(s) of Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aerial Photograph Year(s)</td>
<td>Improvement Type(s)</td>
<td>Identified Area(s) of Concern</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>North Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>East Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016, 2012, 2008 and 2004</td>
<td>No improvements</td>
<td>No areas of concern</td>
</tr>
<tr>
<td><strong>South Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016, 2012 and 2008</td>
<td>No improvements</td>
<td>No areas of concern</td>
</tr>
<tr>
<td><strong>West Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016, 2012, 2008 and 2004</td>
<td>Commercial improvements</td>
<td>No areas of concern</td>
</tr>
</tbody>
</table>

**5.4.1.2 Fire Insurance Maps**

In the late nineteenth century, public entities and private companies began preparing maps of central business districts and other developed corridors for use by fire insurance companies and governmental fire regulatory programs. These maps were updated and expanded geographically periodically throughout
the twentieth century. The maps often indicate construction materials of specific building structures and the location of potential fire hazards such as gasoline tanks.

Fire insurance rate map coverage was not available for the subject property area.

### 5.4.1.3 Property Tax Files

Hidalgo County Appraisal District tax records show that the subject property is owned by South Padre Retail Center LTD. The property tax records are located in the Appendix.

### 5.4.1.4 Land Title Records & Environmental Lien Searches

As per agreement with the user of this report, a title search was not conducted for this assessment and was not provided by the user for review.

No recorded Institutional Controls or Engineering Controls (IC/EC) or Activity Use Limitations (AULs) were found as part of research of federal and state agencies.

### 5.4.1.5 USGS 7.5 Minute Topographic Map

Topographic maps were reviewed for use which would indicate areas of environmental concern. The topographic maps did not indicate any usage except as noted in this report and are included in Appendix I. The following topographic maps were reviewed for this assessment:

<table>
<thead>
<tr>
<th>TOPOGRAPHIC MAPS</th>
<th>Year</th>
<th>Indication of Environmental Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2013</td>
<td>No areas of environmental concern were shown on the subject property or adjoining properties.</td>
</tr>
<tr>
<td></td>
<td>2002</td>
<td>No areas of environmental concern were shown on the subject property or adjoining properties.</td>
</tr>
<tr>
<td></td>
<td>1983</td>
<td>Indication of a pipeline is shown traversing the west adjoining property.</td>
</tr>
<tr>
<td></td>
<td>1963</td>
<td>No areas of environmental concern were shown on the subject property or adjoining properties.</td>
</tr>
<tr>
<td></td>
<td>1949</td>
<td>No areas of environmental concern were shown on the subject property or adjoining properties.</td>
</tr>
<tr>
<td></td>
<td>1916</td>
<td>No areas of environmental concern were shown on the subject property or adjoining properties.</td>
</tr>
</tbody>
</table>

### 5.4.1.6 Local Street Directories

Street directories were reviewed at a minimum of five year intervals and / or property use changes via Phone Disc, Cole's, Kriss Kross, Morrison and Fourmy's, Johnson,, Polk City Directories and / or other directory resources.

See Street directory summary table on the following page(s).
<table>
<thead>
<tr>
<th>Year</th>
<th>Subject Property</th>
<th>North Adjoining Property</th>
<th>East Adjoining Property</th>
<th>South Adjoining Property</th>
<th>West Adjoining Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Acerage along East Nolana Avenue</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>L &amp; F Distributors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NL</td>
</tr>
<tr>
<td>2008</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>456 Corp/ Apuesta Hidalgo LLC/ Bev</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cap Management LLC/ L &amp; F</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Distributors LTD</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NL</td>
</tr>
<tr>
<td>2005</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>Apuesta LLC/ Lnf Distributors/ Valle</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DE Los Tesoros GP LLC</td>
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<td></td>
<td>NL</td>
</tr>
<tr>
<td>1997</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>Budweiser Beer/ Corporate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Headquaters/ L&amp;F Distributors LTD</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NL</td>
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<tr>
<td>1986</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>Budweiser Beer/ L&amp;F Distributes &amp;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Budweiser</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NL</td>
</tr>
<tr>
<td>1981</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>L&amp;F Distributors</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>NL</td>
</tr>
<tr>
<td>1979</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NL</td>
</tr>
<tr>
<td>1976</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
<td>NL</td>
</tr>
</tbody>
</table>
5.4.1.7 Other Historical Records

According to ASTM E 1527-13, other historical sources not already addressed in the standard include but are not limited to: Miscellaneous maps, newspaper archives, internet sites, community organizations, local libraries, historical societies and current owners or occupants of neighboring properties. No other historical records were reviewed for subject property, except for the following:

<table>
<thead>
<tr>
<th>Oil and Gas Well Map</th>
<th>Feature Present?</th>
<th>Details of Identified Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil / gas well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Plugged well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Permitted location(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Dry hole(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pipeline(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Other notable features</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Adjoining Properties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil / gas well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Plugged well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Permitted location(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Dry hole(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pipeline(s)</td>
<td>Yes</td>
<td>One pipeline (Energy Transfer Company - Natural Gas) is shown traversing the west adjoining property.</td>
</tr>
<tr>
<td>Other notable features</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

The Texas Railroad Commission (RRC) map was reviewed for this assessment. Other water well map sources may be available for review. See map in Appendix I.

<table>
<thead>
<tr>
<th>Water Well Map</th>
<th>Feature Present?</th>
<th>Details of Identified Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Monitoring well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Plugged well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Other notable features</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Adjoining Properties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Monitoring well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Plugged well(s)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Other notable features</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
5.4.2 Summary of Historical Information on Subject Property

Phase Engineering, Inc. has conducted thorough research including site observations, regulatory records review and review of reasonably ascertainable standard and other historical sources to determine current and past uses of the subject property. Standard and historical sources used to make these determinations include aerial photographs; topographic maps, city directories (if coverage is available); and/or, fire insurance rate maps (if coverage is available). The following are summaries of the subject property use:

<table>
<thead>
<tr>
<th>Year Range</th>
<th>Property Use(s)</th>
<th>Aerial Photos</th>
<th>Topo Maps</th>
<th>Fire Insurance Maps</th>
<th>Street Directories</th>
<th>Interviews</th>
<th>Regulatory Files / Prior Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940s - 2019</td>
<td>Undeveloped and agricultural land</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.4.3 Summary of Historical Use Information on Adjoining Properties

Phase Engineering, Inc. has conducted thorough research including site observations, regulatory records review and review of reasonably ascertainable standard and other historical sources to determine current and past uses of adjoining properties. Standard and historical sources used to make these determinations include aerial photographs; topographic maps, city directories (if coverage is available); and/or, fire insurance rate maps (if coverage is available). The following are summaries of each adjoining property use:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Historical Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>East Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>South Adjoining Property</td>
<td>Undeveloped and agricultural land</td>
</tr>
<tr>
<td>West Adjoining Property</td>
<td>L&amp;F Distributors, a beer/beverage company and distribution warehouse, and undeveloped and agricultural land</td>
</tr>
</tbody>
</table>
**Summary of Environmental Concerns Identified During Historical and Other Records Review**

Historically, the subject property was agricultural land. Past use as agricultural land may have involved the storage and usage of pesticides, insecticides, herbicides, fungicides, fertilizers and/or other agricultural chemicals. No structures or areas that may have been utilized for storage or loading of these products were noted on historical information reviewed, interviews or during the site visit. These products are not considered a recognized environmental condition per Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provided they were legally stored, processed and/or applied. Agricultural chemicals that may have been previously stored and/or applied at the subject property would likely have degraded due to surface runoff or atmospheric exposure since the subject property was last utilized for agricultural purposes. Additionally, contact to potentially remaining agricultural residual products would likely be limited during future anticipated development activities including import of engineered fill material and construction of onsite structures.

The Texas Railroad Commission Oil / Gas Well map shows an active Energy Transfer Company natural gas pipeline on the west adjoining property. The pipeline is visible on topographic maps reviewed for this assessment. No spills or releases are on record with the Texas Commission on Environmental Quality (TCEQ) or with the Emergency Response Notification System (ERNS) for the pipeline.
6.0 Site Reconnaissance

6.1 Objective

The objective of the site reconnaissance is to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the subject property.

6.2 Observation, Methodology and Limiting Conditions

The property was visually and/or physically observed and any structure(s) located on the property to the extent not obstructed by bodies of water, adjacent buildings, or other obstacles was observed.

The periphery of the property was visually and/or physically observed, as well as the periphery of all structures on the property, and the property was viewed from all adjacent public thoroughfares.

On the interior of structures on the property, accessible common areas expected to be used by occupants or the public, maintenance and repair areas, including boiler rooms, and a representative sample of occupant spaces, were visually and/or physically observed. Areas beneath the floors, above ceilings, or behind walls were not observed unless additional services beyond the scope of work of ASTM E1527-13 were contracted for.

On January 31, 2019, the subject property was visually and physically observed and walked by Patti Gibson of Phase Engineering, Inc. The environmental professional(s) responsible for this report, or a trained and qualified individual under their responsible charge, visually and physically observed the property and any structure(s) located on the property to the extent not obstructed by dense vegetation, bodies of water, adjoining buildings, and other obstacles.

100% visual and physical observation to the extent required by the ASTM Standard E1527-13.

The following limiting conditions were identified during the site reconnaissance:

- Vegetation / landscaping
- Concrete / asphalt pavement
- Stabilized gravel base
- Pre-existing former building slabs
- Existing buildings
- Surface water features
- Heavy equipment / existing inventory
- Boundary fences / walls
- Accumulation of snow or rainwater
- Inaccessible onsite building interior
- Other

*Limiting condition is checked if present.

6.3 Frequency

A single site visit was performed in connection with the Phase I Environmental Site Assessment on January 31, 2019.
6.4 Uses and Conditions

The uses and conditions should be noted to the extent visually and/or physically observed during the site visit. The uses and conditions should also be the subject of questions asked as part of interviews of owners, operator, and occupants. Uses and condition shall be described in the report. The environmental professional(s) performing the Phase I Environmental Site Assessment are obligated to identify uses and conditions only to the extent that they may be visually and/or physically observed on a site visit or to the extent that they are identified by the interviews.

Photographs of the subject property, adjoining properties and other key observed features are located in the appendix of this report.

The subject property was observed to be addressed as East Nolana Avenue, McAllen, Texas and the current use(s) was/were observed to be Undeveloped land.

The following table summarizes addresses and general uses observed for the adjoining properties.

<table>
<thead>
<tr>
<th>Adjoining Property Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direction</strong></td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

6.4.1 Surrounding Property Uses

The current uses of properties in the surrounding area were observed to have included the following general categories:

**Surrounding Area Property Types**

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family</td>
<td>Single-family</td>
</tr>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Non-Residential Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>Retail</td>
</tr>
<tr>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Civic Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>School</td>
<td>Medical</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Land Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undeveloped</td>
<td>Agricultural</td>
</tr>
<tr>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Large Scale Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Base</td>
<td>Airport</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 6.5 Summary of Observations

The following is a summary of observations identified during the site reconnaissance:

**Observation Summary**

<table>
<thead>
<tr>
<th>Item of Concern</th>
<th>Observed Onsite</th>
<th>Observed Offsite</th>
<th>Release Indicated</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous Substances / Petroleum Products in Connection with Present Use(s)</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Hazardous Substances / Petroleum Products in Connection with Prior Use(s)</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Geologic, Hydrogeologic and / or Topographic Conditions</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Underground Storage Tanks (USTs)</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Aboveground Storage Tanks (ASTs)</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Indications of Underground Storage Tanks</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Sumps, Floor Drains or Storm Water Drains</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Odors</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Pools of Liquid</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Drums</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Hazardous Substance and Petroleum Product Containers</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Unidentified Substance Containers</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Potential PCB Containing Equipment</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Clarifiers</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Pits, Ponds or Lagoons</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Stained Soil or Pavement</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Stressed Vegetation</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Solid Waste</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mounds, Stockpiled Soils, Filled or Graded Areas and Depressions</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Waste Water</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Water Wells</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Oil and Gas Wells</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Monitoring Wells</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Observation Wells</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Injection Wells</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Item of Concern</td>
<td>Observed Onsite</td>
<td>Observed Offsite</td>
<td>Release Indicated</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>------------------</td>
<td>-------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Pipelines</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Pipe line markers were observed on the southwest and west adjoining properties. The type of pipe line was not identified but it was marked as belonging to Energy Transfer Company (877.404.2730).</td>
</tr>
<tr>
<td>Septic Systems</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**Summary of Critical Observed Areas of Environmental Concern**

Pipeline markers were observed on the west adjoining property. The type of pipeline was not identified, but it was marked as belonging to Energy Transfer Company. No indications of any releases were observed and no odors were noted in the area of the pipeline.
7.0 Interviews

7.1 Owner, Key Property Manager and / or Occupant Interviews

<table>
<thead>
<tr>
<th>Interview Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>02/18/19</td>
</tr>
</tbody>
</table>

Comments on interviews from items above:

Phase Engineering Inc. has attempted to interview with Mr. Bar-Yadin via telephone and email prior to and after the site reconnaissance. A response is pending.

See interviews, questionnaires and / or records of communication in the Appendix of this report.

7.2 State and / or Local Agency Officials Interviews

<table>
<thead>
<tr>
<th>Interview Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>Local Fire Department</td>
</tr>
<tr>
<td>01/22/19</td>
</tr>
<tr>
<td>Local Health Department</td>
</tr>
<tr>
<td>01/22/19</td>
</tr>
<tr>
<td>Local Building Department Records / Permits Department</td>
</tr>
<tr>
<td>01/22/19</td>
</tr>
<tr>
<td>Local Zoning / Planning Department</td>
</tr>
<tr>
<td>01/22/19</td>
</tr>
</tbody>
</table>

Comments on interviews from items above:

Fire department records have been requested from City of McAllen, Fire Department. No response has been received. This is considered a data gap. Any information received after the issuance of this report that would affect the Findings and Conclusions of this assessment will be forwarded to the user of this report.

Health / Environmental department records have been requested from City of McAllen, Health Department. No response has been received. This is considered a data gap. Any information received after the issuance of this report that would affect the Findings and Conclusions of this assessment will be forwarded to the user of this report.

Building department records have been requested from City of McAllen, City Secretary's Office. No response has been received. This is considered a data gap. Any information received after the issuance of this report that would affect the Findings and Conclusions of this assessment will be forwarded to the user of this report.
Per City of McAllen, Official Website, the subject property is zoned C-3L (Light Commercial) and R-3A (Apartments).

See interviews, questionnaires, records of communication, inquiries and/or Freedom of Information Act (FOIA) requests and any received response documentation in the Appendix of this report.

<table>
<thead>
<tr>
<th><strong>Summary of Environmental Concerns Noted During Interviews / Inquiries</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No environmental concerns were identified during interviews or inquiries conducted as part of this assessment.</td>
</tr>
</tbody>
</table>
8.0 Findings with Opinions

Known or suspect environmental conditions associated with the subject property and the environmental professional's opinion(s) of the impact on the property of known or suspect environmental conditions identified are as follows:

<table>
<thead>
<tr>
<th>Former onsite agricultural land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural land was located onsite in the past.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard Environmental Record Sources, Federal, State &amp; Tribal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No regulatory agency listings were found in connection with this finding.</td>
</tr>
<tr>
<td>See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Records Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historically, the subject property was agricultural land. Past use as agricultural land may have involved the storage and usage of pesticides, insecticides, herbicides, fungicides, fertilizers and / or other agricultural chemicals. No structures or areas that may have been utilized for storage or loading of these products were noted on historical information reviewed, interviews or during the site visit. These products are not considered a recognized environmental condition per Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provided they were legally stored, processed and / or applied. Agricultural chemicals that may have been previously stored and / or applied at the subject property would likely have degraded due to surface runoff or atmospheric exposure since the subject property was last utilized for agricultural purposes. Additionally, contact to potentially remaining agricultural residual products would likely be limited during future anticipated development activities including import of engineered fill material and construction of onsite structures.</td>
</tr>
<tr>
<td>See Section 5.4 for more information regarding historical sources reviewed during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Reconnaissance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No features were observed to be associated with this finding during the site reconnaissance.</td>
</tr>
<tr>
<td>See Section 6.0 for more information regarding observations noted during the site reconnaissance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interviews and/or Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment.</td>
</tr>
<tr>
<td>See Section 7.0 for more information regarding interviews and inquires conducted during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPINION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase Engineering, Inc. has the opinion that, based on lack of former onsite structures that may have potentially been utilized for storage or loading of agricultural chemicals and length of time since the subject property was utilized for agricultural purposes, it does not appear past use as agricultural land has impacted the subject property.</td>
</tr>
<tr>
<td>This does not represent a recognized environmental condition.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West adjoining UST / AST / RDR / LPST site</th>
</tr>
</thead>
<tbody>
<tr>
<td>A UST / AST / RDR / LPST site it located on the west adjoining property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard Environmental Record Sources, Federal, State &amp; Tribal</th>
</tr>
</thead>
</table>
The west adjoining property, addressed as 3900 North McColl Road under the name LF Distributors, is a registered UST / AST facility, an RDR submittal site and an LPST site. Two USTs were installed at this facility prior to 1978 and were removed in 2001. A petroleum product release was discovered at this facility in October 1991 when a line leak was detected. The pipe chase was over-excavated and a soil sample exhibited contamination below action levels. This facility received a NFA letter from the TWC in January 1992, and the LPST was granted closure at the time of issuance. Violations were issued to this facility during an April 1995 investigation for failure to pay annual facility fees for USTs; failure to monitor USTs for releases at a frequency of at least once every month; and failure to monitor piping which conveys regulated substances for releases. These violations resulted in an enforcement order which was closed in October 1995. No documentation regarding release determination activities possibly conducted in association with UST removal was available for Phase Engineering, Inc. to review upon request from the TCEQ. This is a data gap. Two ASTs were installed at this facility in 2002 and are currently in use. Aerial photographs indicate this facility was expanded in the late 1990s / early 2000s. The area where the USTs were located was likely on the far west of this site, putting them at a distance of over 500 feet from the subject property boundary. According to topographic maps, this facility is cross-gradient to the subject property; therefore, any releases at this facility were not likely to migrate to the subject property.

See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.

<table>
<thead>
<tr>
<th>Records Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>None of the records reviewed during this assessment were found to be in connection with this finding.</td>
</tr>
<tr>
<td>See Section 5.4 for more information regarding historical sources reviewed during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Reconnaissance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No features were observed to be associated with this finding during the site reconnaissance.</td>
</tr>
<tr>
<td>See Section 6.0 for more information regarding observations noted during the site reconnaissance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interviews and/or Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment.</td>
</tr>
<tr>
<td>See Section 7.0 for more information regarding interviews and inquiries conducted during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPINION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase Engineering, Inc. has the opinion that based on direction, distance to the former USTs and lack of impact in excess of action levels detected during former LPST investigations, this facility does not appear to have impacted the subject property.</td>
</tr>
<tr>
<td>This does not represent a recognized environmental condition.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West adjoining pipeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>A pipeline is located on the west adjoining property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard Environmental Record Sources, Federal, State &amp; Tribal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No regulatory agency listings were found in connection with this finding.</td>
</tr>
<tr>
<td>See Section 5.1 for more information regarding the regulatory agency documentation reviewed during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Records Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase Engineering, Inc. 201901086</td>
</tr>
</tbody>
</table>
The Texas Railroad Commission Oil / Gas Well map shows an active Energy Transfer Company natural
gas pipeline on the west adjoining property. The pipeline is visible on topographic maps reviewed for this
assessment. No spills or releases are on record with the Texas Commission on Environmental Quality
(TCEQ) or with the Emergency Response Notification System (ERNS) for the pipeline.
See Section 5.4 for more information regarding historical sources reviewed during this assessment.

<table>
<thead>
<tr>
<th>Site Reconnaissance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipeline markers were observed on the west adjoining property. The type of pipeline was not identified, but it was marked as belonging to Energy Transfer Company. No indications of any releases were observed and no odors were noted in the area of the pipeline.</td>
</tr>
<tr>
<td>See Section 6.0 for more information regarding observations noted during the site reconnaissance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interviews and/or Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>No details were identified in connection with this finding during interviews and/or inquiries conducted for this assessment.</td>
</tr>
<tr>
<td>See Section 7.0 for more information regarding interviews and inquires conducted during this assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPINION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase Engineering, Inc. has the opinion that, based on lack of reported / observed releases, the west adjoining pipeline does not appear to have impacted the subject property. This does not represent a recognized environmental condition.</td>
</tr>
</tbody>
</table>
9.0 Conclusions

Phase Engineering, Inc. has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of subject property and more fully described within the report. Any exception to, or deletions from, this practice are described in Section 2.0 of the report.

Recognized environmental condition is defined in ASTM Standard E 1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” Phase Engineering, Inc. has considered all migration pathways including soil, groundwater and vapor during evaluation of all identified environmental conditions. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

A controlled recognized environmental condition (CREC) is defined in ASTM Standard E 1527-13 as “a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.” Controlled recognized environmental conditions are recognized environmental conditions. This assessment has revealed no evidence of controlled recognized environmental conditions in connection with the property.

A historical recognized environmental condition (HREC) is defined in ASTM Standard E 1527-13 as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.” A historical recognized environmental condition is not a recognized environmental condition. This assessment has revealed no evidence of historical recognized environmental conditions in connection with the property.

De minimis conditions are defined in ASTM Standard E 1527-13 as conditions “that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.” De minimis conditions are not recognized environmental conditions. This assessment has revealed no evidence of de minimis conditions in connection with the property.
## 10.0 Recommendations

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following recommendation is made with respect to the environmental aspects of the subject property:</td>
</tr>
<tr>
<td>No further investigation is required to identify a recognized environmental condition.</td>
</tr>
</tbody>
</table>
11.0 Deviations

11.1 Scope of Services
There were no significant deletions or deviations from the ASTM Standard E 1527-13 scope of services.

11.2 Client Constraints
Client and/or user imposed constraints consisted of the following:

• There were no user constraints.
12.0 Qualifications

The statement of qualifications of the environmental professionals responsible for the Environmental Site Assessment is included in the Appendix of this report.
13.0 Environmental Professional and Support Staff Statement(s)

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

I further declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312.

Inspected By:

Patti Gibson

Reviewed By:

Janis Franklin, P.G.

Reviewed By:

Tracy Watson

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared By:
Katy Riddle
14.0 Non-Scope Considerations

The ASTM Standard E 1527-13 Section 13.1.5 has identified several non-scope considerations that persons may want to assess in connection with commercial real estate. No implication is intended as to the relative importance or inquiry into such non-scope considerations, and this list of non-scope considerations is not intended to be all inclusive:

- Asbestos-containing building materials
- Biological agents
- Cultural and historic resources
- Ecological resources
- Endangered species
- Health and safety
- Indoor air quality unrelated to release of hazardous substances or petroleum products into the environment
- Industrial hygiene
- Lead-based paint
- Lead in drinking water
- Mold
- Radon
- Regulatory compliance
- Wetlands

Additional non-scope issues that are not addressed in this report are:

- Activity and use limitations compliance
- Controlled substances unless this report was prepared as part of an EPA Brownfields Assessment and Characterization Grant awarded under CERCLA 42 U.S.C. §9604(k)(2)(B) and contracted for as such in the letter of engagement
- Earthquake and Fault Zones

A discussion of certain non-scope items are included below for guidance for a user of this report to determine is additional inquiry may be appropriate. There may be standards or protocols for assessment of potential hazards and conditions associated with non-scope conditions developed by governmental entities, professional organizations, or other private entities. No implication is intended as to the relative importance of inquiry into such non-scope considerations.

14.1 Asbestos-Containing Building Materials

Asbestos is a commercial term for a group of silicate minerals that readily separate into thin, strong fibers that are flexible, heat resistant, and chemically inert, and are used in a wide variety of industrial products. Of the six asbestos minerals, chrysotile, amosite, and crocidolite have been most commonly used in building products. When inhaled or ingested, it has been determined that asbestos fibers can cause serious health problems. A building owner and/or manager is required to follow all federal, state, and local rules and regulations pertaining to asbestos containing building materials.

Due to the fact that the subject property consists of undeveloped land and no structures are present at the subject property, an asbestos inspection is not recommended nor conducted as part of this assessment.

14.2 Cultural and Historical Resources

When projects are funded in whole or in part through federal programs, such as HUD or USDA, a Section
106 consultation process in compliance with the National Historic Preservation Act must be completed. In July 2014, a memorandum between the Texas State Historic Preservation Officer (SHPO) and HUD was released providing guidelines for consulting with the SHPO to meet Section 106 requirements.

For the purposes of this review the Area of Potential Effects (APE) has been defined as the boundaries of the subject property and adjacent properties. Phase Engineering, Inc. reviewed the Texas Historic Sites Atlas on the Texas Historical Commission (THC) website for potential historic properties or districts located within the project’s APE. In addition, any properties identified as older than 45-years or local historic districts within the APE were noted during the site reconnaissance. See Historical and Archaeological Sites Map in the Appendix.

If funding or permitting through a federal agency is anticipated, a Section 106 Consultation form with supporting documentation can be submitted to the SHPO in addition to this review. The Section 106 consultation will also include an invitation to comment submitted to a local historic preservation office and Native American Tribes. A Section 106 Consultation was not conducted as part of this assessment.

<table>
<thead>
<tr>
<th>Cultural and Historical Resources Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Feature</strong></td>
</tr>
</tbody>
</table>
| Historical District | Published Documentation / Map | Reference Number: 95001284  
Name: Louisiana--Rio Grande Canal Company Irrigation System  
Address: S. 2nd St. at River Levee  
Listed Date: 1995-11-08  
Atlas Number: 2095001284 | No further action appears to be necessary |

### 14.3 Endangered Species

The Endangered Species Act of 1973 was established to provide protection and recovery for a list of specific species and their ecosystems. An endangered species is defined as an animal or plant species which are in danger of extinction throughout all or a significant portion of its range. A threatened species is one which is likely to become endangered in the foreseeable future. A review of the listed species for the project area and assessment of the potential impacts of the proposed project to these species was not completed as part of this review.

Critical Habitat is a specific geographic area(s) that has been designated by the United States Fish and Wildlife Service (USFW) which is essential for the conservation of a listed threatened or endangered species and may require special management and protection. The subject property does not contain an area determined to be critical habitat according to our review of the USFW Critical Habitat Portal.

See Critical Habitat Map in the Appendix.

### 14.4 Lead-Based Paint

Lead is a metal that is highly toxic to humans, particularly children, and was used for many years in products found in construction. Lead may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and under are most at risk. Human contamination usually occurs by oral ingestion or respiratory inhalation of dust or chips of paint made with
lead pigment in both interior and exterior paints and finishes. A building owner and/or manager is required
to follow all federal, state, and local rules and regulations pertaining to lead-based paint.

Due to the fact that the subject property consists of undeveloped land and no structures are present, a
visual lead based paint inspection is not recommended nor conducted as part of this assessment.

14.5 Lead in Drinking Water

Lead is a toxic metal found in natural deposits and is commonly used in plumbing materials and water
service lines. Construction built before 1986 is more likely to have lead pipes, fixtures and solder. Lead
is rarely found in source water, but enters tap water through corrosion of plumbing materials. All public
water systems must test for lead within their distribution system in compliance with the EPA’s Lead and
Copper Rule. Phase Engineering, Inc. reviewed the 2017 Annual Drinking Water Quality Report for the City
of McAllen. According to the report, lead is not reported above the maximum contamination level (MCL) in
the samples tested.

There are currently no buildings located at the subject property. Phase Engineering, Inc. has the opinion
that based on lack of on-site buildings, tests to determine lead in the drinking water at the subject property
would not be necessary. See Drinking Water Quality Report in the appendix.

14.6 Radon

The U.S. EPA and the U.S. Geological Survey evaluated the radon potential in the U.S. and developed
a map to assist National, State and local organizations to target their resources and to assist building
code officials in deciding whether radon-resistant features are applicable in new construction. The map
assigns each of the 3,141 counties in the U.S. to one of three zones based on radon potential. Each zone
designation reflects the average short-term radon measurement that can be expected to be measured in
a building without the implementation of radon control methods. See the Texas Radon Map located in the
Appendix.

In 1994, a statewide survey of indoor residential radon was conducted by the Texas Department of
Health and Southwest Texas State University. The report identified several areas of Texas where the local
geology is suspected to contribute to elevated levels of indoor radon.

Projects funded by FHA Multifamily Insured mortgage applications must comply with Section 9.5.C of
the Multifamily Accelerated Processing (MAP) Guide, which requires post-construction radon testing is
required for all new construction projects located within Radon Zone 3. The radon testing must be
performed in accordance to the ANSI/AARST protocol for conducting radon and radon decay product
measurements in multi-family buildings.

See preliminary findings and requirement for radon testing from the EPA Radon Map and Texas Statewide
Survey in the table below:

<table>
<thead>
<tr>
<th>EPA Radon Zone Designation</th>
<th>Percent of Properties &gt;4.0 pCi/L per Statewide Survey</th>
<th>Maximum Reported Level per Statewide Survey pCi/L</th>
<th>Requirement for Radon Testing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hidalgo County</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Preliminary Radon Results Summary

<table>
<thead>
<tr>
<th>EPA Radon Zone Designation</th>
<th>Percent of Properties &gt;4.0 pCi/L per Statewide Survey</th>
<th>Maximum Reported Level per Statewide Survey pCi/L</th>
<th>Requirement for Radon Testing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 3 - Low Potential (&lt;2 pCi/L)</td>
<td>0</td>
<td>1.9</td>
<td>Marginal (0-10% of properties surveyed &gt;4.0 pCi/L)</td>
</tr>
</tbody>
</table>

### 14.7 FEMA Flood Insurance Rate Map

The subject property is in Zone B (500-year flooding) as delineated on the FEMA FIRM Map Number 4803340425C, with an effective date of November 16, 1982. The 500-year floodplain is not a FEMA-designated Special Flood Hazard Area, thus, flood insurance or mitigation for flood impacts are not required.

### 14.8 Wetlands

The U.S. Army Corps of Engineers (USCOE) requires permitting prior to the filling of certain jurisdictional wetland areas and other waters of the U.S. Geospatial wetland data is managed by the U.S. Fish and Wildlife Service and presented in maps known as the National Wetland Inventory (NWI). A review of the NWI map indicates no mapped wetlands at the subject property. An on-site wetlands determination assessment is not recommended to determine if all characteristics for a wetland are present at the subject property.

The USCOE and the U.S. Environmental Protection Agency use three characteristics as indicators of wetlands. These characteristics are: Vegetation, Soil, and Hydrology. The final determination of whether an area is a wetland and whether the activity requires a permit must be made by the appropriate Corps District Office (source: Corps of Engineers Wetlands Delineation Manual). A wetlands determination was not conducted as part of this assessment.

See NWI Map in the Appendix.

### 14.9 Vapor Encroachment Screening

A vapor encroachment condition (VEC) is the presence or likely presence of hazardous substances or petroleum products vapors in the sub-surface of a property caused by the release of vapors from contaminated soil or groundwater either on or near the property. Vapor intrusion is the presence of such vapors in a building or structure located on a property. Although the vapor migration pathway is considered in the identification of recognized environmental conditions under ASTM Standard E 1527-13 and in this report, a Tier 1 Vapor Encroachment Screening (VES) assessment was conducted as part of this report. The VES was conducted in accordance with ASTM E2600-15 (the subsequent standard of ASTM 2600-10), Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions.

The following table includes an evaluation of Standard Environmental Record Sources and the approximate minimum search distances as listed in subsection 8.3.2, of ASTM E2600:
Vapor Encroachment Regulatory Database Search Results

<table>
<thead>
<tr>
<th>Databases</th>
<th>Radius Searched (Miles)</th>
<th>Sites Found</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chemicals of Concern</td>
<td>Petroleum Hydrocarbon Chemicals of Concern</td>
</tr>
<tr>
<td>FEDERAL SITES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal NPL (Superfund)</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Federal CERCLA (Active)</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Federal Resource Conservation and Recovery Act (RCRA) CORRACTS facilities</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Federal RCRA Non-CORRACTS Treatment, Storage and Disposal facilities (TSD)</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Federal RCRA Generators of Hazardous Wastes</td>
<td>Subject Property Only</td>
<td>Subject Property Only</td>
</tr>
<tr>
<td>Federal Institutional Control / Engineering Control Registries</td>
<td>Subject Property Only</td>
<td>Subject Property Only</td>
</tr>
<tr>
<td>Federal ERNS (Reported Spill Incidents)</td>
<td>Subject Property Only</td>
<td>Subject Property Only</td>
</tr>
<tr>
<td>STATE AND TRIBAL SITES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State / Tribal Equivalent NPL</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>State / Tribal Equivalent CERCLIS Sites</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Landfills or Solid Waste Disposal Sites</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Leaking Storage Tank Sites</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Registered Storage Tanks</td>
<td>Subject Property Only</td>
<td>Subject Property Only</td>
</tr>
<tr>
<td>State / Tribal Institutional Control / Engineering Control Registries</td>
<td>Subject Property Only</td>
<td>Subject Property Only</td>
</tr>
<tr>
<td>Voluntary Cleanup Program (VCP)</td>
<td>1/3</td>
<td>1/10</td>
</tr>
<tr>
<td>Brownfield</td>
<td>1/3</td>
<td>1/10</td>
</tr>
</tbody>
</table>

Identified Sites That May Pose a VEC

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Distance to Nearest Building</th>
<th>Gradient Direction</th>
<th>Apparent Impact / Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>3900 North McColl Road (LPST)</td>
<td>0.131 mile west</td>
<td>Cross-gradient</td>
<td>No impact based on direction, distance to the former USTs and lack of contamination in excess of action levels detected in soil samples</td>
</tr>
</tbody>
</table>

No sites were identified during the regulatory database search that would pose a VEC to the subject property, based on the critical distance evaluation.

Based on resources reviewed, it is the opinion of Phase Engineering, Inc. a VEC does not exist due to the lack of evidence that COC vapors may be present in the subsurface of the target property caused by a release of vapors from contaminated soil or groundwater or both either on or near the subject property as identified by the Tier 1 VES procedures. Additional Vapor Encroachment Screening procedures are not warranted at this time.
14.10 Noise Study

Phase Engineering, Inc. has conducted a noise survey for the subject property in accordance with the Noise Assessment Guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Noise Assessment Locations (NALs) were selected on the property based on proximity to the noise sources and identified on the Noise Sources Map provided in the Appendix.

The noise sources within the prescribed distances include the following:

<table>
<thead>
<tr>
<th>Identified Noise Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source Name</td>
</tr>
<tr>
<td><strong>Major Road(s)</strong></td>
</tr>
<tr>
<td>Two major roads were identified within 1,000 feet from the subject property: E. Nolana Ave &amp; N. Jackson Rd</td>
</tr>
<tr>
<td><strong>Railroad(s)</strong></td>
</tr>
<tr>
<td>No railroads were identified within 3,000 feet from the subject property</td>
</tr>
<tr>
<td><strong>Airport(s)</strong></td>
</tr>
<tr>
<td>One major civil and no military airports were identified within 15 miles from the subject property: McAllen Miller International. The property is well outside of the noise contours for the airport</td>
</tr>
</tbody>
</table>

The combined projected Day/Night Noise Level (DNL) for each NAL was calculated based on the effective distance from each of the noise sources and provided in the below table. The 10-year projected DNL is provided based on a 2% annual growth in traffic counts.

<table>
<thead>
<tr>
<th>Description of Noise Assessment Location (NAL)</th>
<th>Projected DNL (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeast Corner of Property</td>
<td>58.1</td>
</tr>
</tbody>
</table>

HUD allows for a 1-decibel grace in completing noise surveys due to inaccuracies of the calculations. All the calculated noise values fall below 65 dB, and are therefore considered “acceptable” based on the HUD guidelines. No additional action is recommended.

14.11 Explosive and Flammable Hazards

Under Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) and the subsequent Housing and Community Development Acts of 1968, 1969, and 1974, the Department of Housing and Urban Development is mandated to assure the goal of a “decent home and a suitable (safe and healthy) living environment.” The Regulation, “Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature” (24 CFR Part 51 Subpart C) and the Guidebook represent another step by the Department toward the objective. Although the Regulation and Guidebook apply specifically to all HUD-assisted projects, the application of these standards can be used by anyone concerned with the safe siting of new residential development.

Per 24 CFR Part 51, a hazard is defined as any stationary container which stores, handles or processes hazardous substances of an explosive or fire prone nature. The term “hazard” does not include pipelines for the transmission of hazardous substances, if such pipelines are located underground or comply with applicable Federal, State and local safety standards. Also excepted are: (1) Containers with a capacity of 100 gallons or less when they contain common liquid industrial fuels, such as gasoline, fuel oil, kerosene and crude oil since they generally would pose no danger in terms of thermal radiation of blast overpressure.
to a project; and (2) facilities which are shielded from a proposed HUD-assisted project by the topography, because these topographic features effectively provide a mitigating measure already in place.

Two 6,000-gallon aboveground storage tanks (AST) containing diesel were found on the west adjacent property occupied by a distribution company, approximately 580-feet from the western property boundary. The ASTs are surrounded by a concrete dike measured 27' x 27'. The potential blast zone for this diked area was calculated using the Acceptable Separation Distance (ASD) Electronic Assessment Tool located on HUD’s website at http://www.hud.gov/offices/cpd/environment/asd calculator.cfm. The ASD for thermal radiation for people (ASDPPU) was determined to be 136-feet from the location of the tanks, which is approximately 440-feet from the subject property and does not pose a hazard. An ASD Drawing is included in Appendix V.

No other oil, gas or chemical pipelines, processing facilities, storage facilities or other potentially hazardous explosive activities on-site or in the general area of the site that could potentially adversely impact the subject property were noted on historical information reviewed, interviews or during the site visit.

**14.12 Farmland Designation**

The intent of the Farmland Protection Policy Act (FPPA) is to minimize the impact of federal programs on the conversion of farmland to non-agricultural uses. Farmland as defined by the FPPA, includes prime farmland, unique farmland, and land of statewide or local importance. The FPPA does not apply to properties already committed to urban development as indicated by the US Census Bureau.

Based on our review of the USDA Natural Resource Conservation Service's (NRCS) Web Soil Survey interactive map, The subject property does include prime farmland.
15.0 Common Acronyms

AAI – All Appropriate Inquiry
ACBM – Asbestos Containing Building Material
AST – Aboveground Storage Tank
AUL – Activity and Usage Limitation
BF – Brownfield
BTEX – Benzene, Toluene, Ethyl benzene and Xylenes
CDC – Certified Development Corporation
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS – Comprehensive Environmental Response, Compensation and Liability Information System
CERCLIS NFRAP - Comprehensive Environmental Response, Compensation and Liability Information System with No Further Remedial Action Planned
CLI – Closed Landfill Inventory
CORRACTS – Corrective Action (RCRA)
CREC – Controlled recognized environmental condition
EC – Engineering Control
EPA – Environmental Protection Agency
ERNS – Emergency Response Notification System
FOIA – Freedom of Information Act
GWBRZ – Groundwater Bearing Zone
HREC – Historical recognized environmental condition
IC – Institutional Control
IHW – Industrial Hazardous Waste
IOP – Innocent Owner / Operator Program
LPST – Leaking Petroleum Storage Tank
MUD – Municipal Utility District
MSD – Municipal Settings Designation
MSL – Mean Sea Level
MTBE – Methyl tert butyl ether
NAPL – Non-aqueous Phase Liquids
NPL – National Priority List
NRCS – Natural Resource Conservation Service
OSHA – Occupational Safety and Health Administration
PAH – Polycyclic Aromatic Hydrocarbons
PCB – Polychlorinated Biphenyls
PCE – Perchloroethene (Tetrachloroethene)
PPM – Parts Per Million
PSH – Phase Separated Hydrocarbons
PUD – Public Utility District
RCRA – Resource Conservation and Recovery Act
REC – Recognized environmental condition
SBA – Small Business Administration
SCL – State CERCLIS List
SPL – State Priority List
SVOC – Semi-Volatile Organic Compounds
SWLF – Solid Waste Landfill
TCEQ – Texas Commission on Environmental Quality
TDSHS – Texas Department of State Health Services
TNRCC – Texas Natural Resource Conservation Commission
TNRIS – Texas Natural Resource Information System
TPH – Total Petroleum Hydrocarbons
TSD – Treatment, Storage and Disposal (RCRA)
TWC - Texas Water Commission
TWDB - Texas Water Development Board
USACOE – United State Army Corps of Engineers
USDA – United States Department of Agriculture
UST – Underground Storage Tank
USGS – United States Geological Survey
VCP – Voluntary Cleanup Program
VEC – Vapor Encroachment Condition
VOC – Volatile Organic Compounds
WMU – Waste Management Unit
APPENDIX I

CURRENT & HISTORICAL DOCUMENTATION
Location: 7.517 acres off East Nolana Avenue
McAllen, TX 78504
Hidalgo County

PEI Project No: 201901086
SITE SKETCH

- Subject Property

Location: 7.517 acres off East Nolana Avenue
McAllen, TX 78504
Hidalgo County

PEI Project No: 201901086
2004 NAIP Orthoimagery
1995 Digital Orthophoto Mosaic

Source: USDA NRCS Geospatial Data Gateway

Copyright ©2016 Phase Engineering, Inc.

PEI Project No: 201901086
1983 Aerial Photograph
1973 Aerial Photograph
USDA NRCS SSURGO
Database of Texas

The "Gridded Soil Survey Geographic (gSSURGO) Database State-tile Package" product is derived from the Soil Survey Geographic Database. SSURGO is generally the most detailed level of soil geographic data developed by the National Cooperative Soil Survey (NCSS) in accordance with NCSS mapping standards. SSURGO is designed to be used for broad planning and management uses.

Sources: NRCS, USGS NHD

Geologic Database of Texas

The Geologic Database of Texas was produced in cooperation with the US Geological Survey (USGS), and the Texas Water Development Board (TWDB) utilizing the 28 Geologic Atlas of Texas sheets (Texas Bureau of Economic Geology, Virgil Barnes, editor). These were compiled into separate geodatabases and then into a single Statewide Digital Geologic Atlas of Texas. This dataset is distributed through TNRIS.

Sources: TNRIS, USGS NHD
The U.S. Geological Survey (USGS) produced its first topographic map in 1879, the same year it was established. Today, more than 100 years and millions of map copies later, topographic mapping is still a central activity for the USGS. The topographic map remains an indispensable tool for government, science, industry, and leisure.

Topographic maps usually portray both natural and manmade features. They show and name works of nature including mountains, valleys, plains, lakes, rivers, and vegetation. They also identify the principal works of man, such as roads, boundaries, transmission lines, and major buildings. The colors represent the following: Contours - brown, Hydrography - blue, Public Land Survey System and other surveys - red, Updates - purple/magenta, Miscellaneous - black, and Vegetation - green.

USGS 7.5 Minute Topographic Series
Pharr, 2013
Topographic Map

The U.S. Geological Survey (USGS) produced its first topographic map in 1879, the same year it was established. Today, more than 100 years and millions of map copies later, topographic mapping is still a central activity for the USGS. The topographic map remains an indispensable tool for government, science, industry, and leisure.

Topographic maps usually portray both natural and manmade features. They show and name works of nature including mountains, valleys, plains, lakes, rivers, and vegetation. They also identify the principal works of man, such as roads, boundaries, transmission lines, and major buildings. The colors represent the following: Contours - brown, Hydrography - blue, Public Land Survey System and other surveys - red, Updates - purple/magenta, Miscellaneous - black, and Vegetation - green.

USGS 7.5 Minute Topographic Series
Pharr, 2002
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USGS 7.5 Minute Topographic Series
Pharr, 1983
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USGS 7.5 Minute Topographic Series
Pharr, 1963
Topographic Map

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USGS 15 Minute Topographic Series
San Juan 1949
Topographic Map

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USGS 15 Minute Topographic Series
San Juan, 1916
The Texas Water Development Board (TWDB) has identified and characterized 9 major and 22 minor aquifers in the state based on the quality of water supplied by each. A major aquifer is generally defined as supplying large quantities of water in small areas or relatively small quantities in large areas. The major and minor aquifers, as presently defined, underlie approximately 81 percent of the state. Lesser quantities of water may also be found in the remainder of the state.
FEMA Q3 Flood Data

The FEMA Q3 Flood data were developed by scanning the existing FIRM hardcopies that were generated in the mid 1980s. Most have never been updated. Only 133 out of 254 counties in Texas were mapped. The maps should be considered an advisory tool for general hazard awareness, education, and floodplain management.

- **Zones A, AE, AH, V and VE**
  Special Flood Hazard Areas subject to inundation by the 1% Annual Chance Flood Event. The 1% annual chance is also known as the 100-year flood or base flood and has a 1% chance of being equaled or exceeded in any given year.

- **Zone X500**
  Other Flood Areas - Areas of 0.2% (500-year) annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than less than 1 square mile; and areas protected by levees from 1% annual chance flood.

- **Zone X**
  Other Areas - Areas determined to be outside the 0.2% (500-year) annual chance floodplain.

- **Floodway**
  Floodway Areas in Zone AE - The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

- **Zone D**
  Undetermined Risk Areas - Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.

- **Area Not Included**

Source: TNRIS

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed October 2018.
Texas Railroad Commission

Oil and gas well data and pipeline datasets were generated by the Geographic Information System of the Railroad Commission of Texas from public records at the Railroad Commission of Texas (the Commission). Each location is identified using the American Petroleum Institute (API) number of the wellbore. The Railroad Commission issues pipeline permits for common carrier operations within Texas. Permits must be renewed annually.

Digital Oil and Gas Wells

- Permitted Location
- Dry Hole
- Oil Well
- Gas Well

- Observation Well
- Observation from Oil
- Observation from Gas

- Oil/Gas Well
- Plugged Oil Well
- Plugged Gas Well
- Canceled Location

- Sulfur Core Test
- Core Test
- Injection/Disposal Well
- Directional Surface Location

- Storage from Oil
- Storage from Gas

- Shut-In Well (Oil)
- Shut-In Well (Gas)

- Observation from Storage

- Injection/Disposal from Oil
- Injection/Disposal from Gas

- Offshore Platform
- Geothermal Well
- Injection/Disposal from Oil/Gas

- Injection/Disposal from Storage

- Injection/Disposal from Storage/Oil
- Injection/Disposal from Storage/Gas

- Service Well
- Service from Oil
- Service from Gas

- Observation Well
- Service from Oil/Gas

- Injection/Disposal from Storage/Oil
- Injection/Disposal from Storage/Gas
- Observation from Oil/Gas

- Observation from Gas

- Injection/Disposal from Brine Mining

- Injection/Disposal from Brine Mining/Oil
- Injection/Disposal from Brine Mining/Gas

- Observation from Brine Mining
- Injection/Disposal from Storage/Brine Mining

- Observation from Storage/Brine Mining

- Injection/Disposal from Storage

- Storage from Storage/Gas

- Other Gas

- Other Gas FWS

- Geothermal Well

- Injection/Disposal from Storage

- Offshore Platform

- Slurry

- Other Gas FWS

- Oil Well

- Gas Well

- Oil/Gas Well

- Plugged Oil Well

- Plugged Gas Well

- Canceled Location

- Shut-In Well (Oil)

- Shut-In Well (Gas)

- Injection/Disposal from Storage

- Service Well

- Service from Oil

- Shut-In Well (Gas)

- Water Supply from Oil

- Water Supply from Gas

- Observation from Storage

- Observation from Gas

- Observation from Storage

- Observation from Oil/Gas

- Observation from Oil

- Observation from Gas

- Observation from Gas

- Observation from Storage

- Observation from Storage/Gas

- Observation from Storage

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- Observa detail.
## GIS Identify Results - Pipeline Attributes

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Texas Water Wells with MSD and Superfund Site Boundaries

- **TCEQ Public Water Supply Wells (PWS)**
  The public water systems data was developed to support the TCEQ's Source Water Assessment and Protection Program (SWAP). The locations were obtained by the Water Supply Division as recorded from various sources. This layer was built using the best existing location data available but some errors still remain.

- **USGS National Water Inventory System (NWIS)**
  The National Water Information System (NWIS) provides access to USGS water data at over 1.5 million sites. This extensive database for the nation includes the occurrence, quantity, quality, distribution and movement of surface and underground waters.

- **TWDB Groundwater Database (GWDB)**
  The Groundwater Database (GWDB) of the Texas Water Development Board (TWDB) contains information about more than 130,000 water well, spring, and oil/gas test sites in Texas including associated water level and water quality data. Because data collection methods and data maintenance have varied and evolved over the years, the information in the GWDB has a range of accuracy.

- **TWDB Brackish Groundwater (BRACS)**
  The Brackish Resources Aquifer Characterization System (BRACS) Database was designed to store well and geology information in support of projects to characterize the brackish groundwater resources of Texas. Brackish groundwater contains dissolved minerals in the range of 1,000 to 9,999 milligrams per liter (mg/L).

- **TWDB Submitted Driller’s Reports Database (SDRDB)**
  The Submitted Driller’s Report Database is populated from the online Texas Well Report Submission and Retrieval System which is a cooperative Texas Department of Licensing and Regulation (TDLR) and Texas Water Development Board (TWDB) application that registered water-well drillers use to submit their required reports. This system was started 2/5/2001 and began collecting all reports in 2003.

- **TCEQ MSD Boundary**
  An MSD is an official state designation given to property within a municipality or its extraterritorial jurisdiction that certifies that designated groundwater at the property is not used as potable water, and is prohibited from future use as potable water because that groundwater is contaminated in excess of the applicable potable-water protective concentration level. The prohibition must be in the form of a city ordinance, or a restrictive covenant that is enforceable by the city and filed in the property records.

- **State and Federal Superfund Sites**
  TCEQ Superfund Sites includes both State and Federal sites in the State of Texas that have been designated as Superfund cleanup sites. Federal Superfund sites have a Hazardous Ranking System score of 28.5 or above and are also on the NPL.

**Source:** USGS NWIS, TCEQ, TWDB, ESRI

**Source:** USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed October 2018.
APPENDIX II

PHOTO GALLERY
1. View across the subject property looking southwest to northeast.

2. View across the northern portion of subject property looking east.
3. View of the eastern portion of the subject property looking north.

4. View of the eastern portion of the subject property looking north.
5. View of the southern portion of the subject property looking east.

6. View of the southern portion of the subject property looking east.
7. View of the western portion of the subject property looking south.

8. View across the subject property looking south to north.
9. View across the subject property looking northwest to southeast.

10. View of subject property looking west to east.
11. View of the north adjoining property.

12. View across the north adjoining property.
13. View of the east adjoining property.

14. View of the south adjoining property.
15. View of municipal sanitary system connection observed on the south adjoining property.

16. View of a pipe line marker observed on the southeast adjoining property.
17. View of southwest adjoining property.

18. View of southwest adjoining property.
19. View of the west adjoining distribution facility.

20. View of the west adjoining property.
21. View of the west adjoining property.
Hidalgo CAD

Property Search Results > 231011 SOUTH PADRE RETAIL CENTER LTD for Year 2019

Property

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<td>Property Use Code: WD</td>
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Location

| Address: E NOLANA AVE MCALLEN, TX | Mapsco: |
| Neighborhood: | Map ID: CML VOL 21 PG 598 |
| Neighborhood CD: |

Owner

| Name: SOUTH PADRE RETAIL CENTER LTD | Owner ID: 459822 |
| Mailing Address: 4629 MACRO SAN ANTONIO, TX 78218-5420 | % Ownership: 100.0000000000% |

Values

| (+) Improvement Homesite Value: + | (+) Improvement Non-Homesite Value: + | (+) Land Homesite Value: + |
| (+) Land Non-Homesite Value: + | (+) Agricultural Market Valuation: + | (+) Timber Market Valuation: + |

| (+) Improvement Homesite Value: $0 | (+) Improvement Non-Homesite Value: $0 | (+) Land Homesite Value: $0 |
| (+) Land Non-Homesite Value: $0 | (+) Agricultural Market Valuation: $2,164,575 | (+) Timber Market Valuation: $0 |

Market Value: $2,164,575

Appraised Value: $6,541

Assessed Value: $6,541

Taxing Jurisdiction

| Owner: SOUTH PADRE RETAIL CENTER LTD | % Ownership: 100.0000000000% |

Total Value: $2,164,575
Improvement / Building

No improvements exist for this property.

Land

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Deed History - (Last 3 Deed Transactions)

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<th>Grantee</th>
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### Tax Due

Property Tax Information as of 01/22/2019

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NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466
Regulatory Database Search

Job Number: 201901086
Report Date: February 21, 2019

Property: 201901086
McAllen, TX  78504

Prepared For:
Phase Engineering, Inc.
5524 Cornish St.
Houston, TX 77007

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Note: Property location and boundaries are representative only.
Hazard Map

Note: Property location and boundaries are representative only.

Site Location: McAllen, TX 78504
Job Number: 201901086

Scale: 1:10,451

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Note: Property location and boundaries are representative only.
Hazard Map

Note: Property location and boundaries are representative only.

Site Location: McAllen, TX 78504
Job Number: 201901086

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Scale: 1:5,767

Note: Property location and boundaries are representative only.
## Search Summary

**Job Number:** 201901086

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*Adjoining properties are defined as being within a search radius of 0.25 mi. from the subject property boundaries.

**SEMS includes CERCLIS, NPL, NPL delisted, NFRAP, and IC/EC

***RCRA includes RCRA and IC/EC
Search Summary

Job Number: 201901086

Ungeocodables Summary

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- **Date Entered:** 1/16/1992
- ** Closure Date:** 1/2/1992
- **Facility Name:** L F DISTRIBUTORS
- **TCEQ Region:** 15
- **Priority Code:** 6 - MINOR SOIL CONTAMINATION - NO REMEDIAL ACTION REQUIRED
- **Status Code:** 6A - FINAL CONCURRENCE ISSUED
- **Program Area:** 2 - REGION
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**Distance:** 0.131 W, **MCALLEN, TX 78501**

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- **Tank ID:** 2
- **Multiple Compartment Flag:** N
- **Tank Status:** IN USE
- **Tank Regulatory Status:** FULLY REGULATED
- **Substance Stored 1:** DIESEL
- **Substance Stored 2:**
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- **Tank Registration Date:** 11/18/2002
- **Tank Status (current) Begin Date:** 11/08/2002
- **Tank Capacity (in gallons):** 6000

**Material of Construction:**
- **Steel:** Y
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- **Corrugated Metal:** N
- **Concrete:** N

**Containment:**
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- **Concrete:** N
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**Stage I Vapor Recovery:**
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<th>CN603428129</th>
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<td>Operator Name:</td>
<td>L &amp; F DISTRIBUTORS LLC</td>
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### TANK DETAILS:

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<tr>
<td>Tank Capacity (in gallons):</td>
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<tr>
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#### COMPARTMENT DETAILS:

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<tr>
<th>Tank ID:</th>
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<tr>
<td>Capacity (in gallons):</td>
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### TANK DETAILS:

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#### COMPARTMENT DETAILS:

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<tbody>
<tr>
<td>Compartment ID:</td>
<td>A</td>
<td>Substance Stored 2:</td>
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<td>Capacity (in gallons):</td>
<td>10000</td>
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FACILITY INFORMATION

EPA ID Number: TXR000081815
Current Site Name: WALMART NEIGHBORHOOD MARKET #6098
NAICS Code:
NAICS Description:
Hazardous Report Universe Record: VSQG
Full Enforcement Universe:
Federal Waste Generator Code: Conditionally Exempt Small Quantity Generator
Transporter: N
Active Site Universe: Handler
Operating TSDF (Treatment, Storage, or Disposal Unit) Universe:

RCRA Hyperlink: http://oaspub.epa.gov/enviro/fac_gateway.main?p_regid=110060241769
ECHO Hyperlink: https://echo.epa.gov/detailed-facility-report?fid=TXR000081815

CORRECTIVE ACTION:
Corrective Action Workload?: No

ENFORCEMENTS

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<tr>
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EVALUATIONS

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<th>Type</th>
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VIOLATIONS

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INSTITUTIONAL AND ENGINEERING CONTROLS:

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<th>Event Code</th>
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<th>FACILITY ADDRESS</th>
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<tbody>
<tr>
<td>6</td>
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<td>1407 W NOLANA LOOP</td>
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**Distance:** 0.216 NE

**Facility Name:** STRIPES 2240

**TCEQ Region:** 15

**LPST INFORMATION:**

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<th>Facility Name</th>
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**Priority Code:** 4.1 - GW IMPACTED NO APPARENT THREATS OR IMPACTS TO RECEPTORS

**Status Code:** 6A - FINAL CONCURRENCE ISSUED

**Program Area:** 1P - PRIVATIZATION CONTRACTOR
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<tbody>
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<td>RDR Number</td>
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<tr>
<td>Date Report Received</td>
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<tr>
<td>Facility Name</td>
</tr>
<tr>
<td>Tank Owner</td>
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</tbody>
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**FACILITY ADDRESS:**
1407 W NOLANA LOOP

**DISTANCE:**
0.216 NE

**PHARR, TX**

**HAZARD TYPE:**
RDR

**MAP ID:**
7
### FACILITY INFORMATION:

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<td>Number of Active ASTs</td>
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<td>Facility Contact</td>
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<td>Facility Contact Phone</td>
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<td>Owner Name</td>
<td>7-ELEVEN INC</td>
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<tr>
<td>Owner ID</td>
<td>CN600240329</td>
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<tr>
<td>Owner Type</td>
<td>CO</td>
</tr>
<tr>
<td>Contact Mailing Address</td>
<td>1500 CORSICANA HWY HILLSBORO,TX 76645</td>
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<td>Contact Phone</td>
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### OPERATOR INFORMATION:

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<tr>
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<td>Operator Name</td>
<td>7-ELEVEN INC</td>
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### TANK DETAILS:

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<tr>
<td>Tank Capacity (in gallons)</td>
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<tr>
<td>Current Status Date</td>
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### COMPARTMENT DETAILS:

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### COMPARTMENT DETAILS:

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<tr>
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<tr>
<td>Compartment ID</td>
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<td>Capacity (in gallons)</td>
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<td>GASOLINE</td>
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<td>Substance Stored 2</td>
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### TANK DETAILS:

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<table>
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<tbody>
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### COMPARTMENT DETAILS:

<table>
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<tbody>
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<tr>
<td>Compartment ID</td>
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<td>Capacity (in gallons)</td>
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<tr>
<td>Substance Stored 1</td>
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<tr>
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### Facility Address:

**FACILITY ADDRESS:**

1407 W NOLANA LOOP

**DISTANCE:** 0.216 NE

**PHARR, TX 78577**

### Tank Details:

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<td>27501</td>
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<td>1A</td>
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### Compartment Details:

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<tbody>
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<td>1A</td>
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<td>2A</td>
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<td>Date Report Received</td>
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<td>Tank Owner</td>
<td>DAVID RAMIREZ</td>
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<th>FACILITY ADDRESS:</th>
<th>FACILITY INFORMATION:</th>
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**LPST INFORMATION:**

- **LPST ID:** 120314
- **Reported:** 6/30/2017
- **Date Entered:** 9/19/2017
- **Closure Date:** 2/6/2018
- **Facility Name:** STRIPES 2557
- **TCEQ Region:** 15

- **Priority Code:** 4.1 - GW IMPACTED NO APPARENT THREATS OR IMPACTS TO RECEPTORS
- **Status Code:** 6A - FINAL CONCURRENCE ISSUED
- **Program Area:** 1 - RPR
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**FACILITY INFORMATION:**

- **RDR Number**: 24809
- **Facility Name**: STRIPES 2557
- **Tank Owner**: STRIPES LLC
- **Date Report Received**: 7/28/2017
- **Facility Number**: 72409
### Facility Information:

- **Facility ID:** 72409
- **Facility Name:** STRIPES 2557
- **Facility Address:** 1406 W NOLANA LOOP, PHARR, TX 78577
- **Facility Type:** RETAIL
- **Facility Begin Date:** 08/31/1987
- **Facility Status:** INACTIVE
- **Number of Active USTs:** 0
- **Number of Active ASTs:** 0

### Owner Information:

- **Owner Name:** SUSSER PETROLEUM COMPANY
- **Owner Type:** CO
- **Owner ID:** CN603242629
- **Contact Mailing Address:** 4525 AYERS ST CORPUS CHRISTI, TX 78415
- **Contact Phone:** 3618842463
- **Current Status Date:** 06/19/2017

### Operator Information:

- **Operator CN:** CN603242629
- **Operator Name:** SUSSER PETROLEUM COMPANY LLC
- **Operator Type:** CO
- **Effective Date:** 08/10/2015

### Tank Details:

**UST 192006**
- **Tank ID:** 1
- **Number of Compartments:** 1
- **Capacity (in gallons):** 15000
- **Tank Status:** REMOVED FROM GROUND

**COMPARTMENT DETAILS:**
- **Compartment ID:** A
- **Substance Stored 1:**
- **Substance Stored 2:**
- **Substance Stored 3:**

**UST 192007**
- **Tank ID:** 2
- **Number of Compartments:** 2
- **Capacity (in gallons):** 7000
- **Tank Status:** REMOVED FROM GROUND

**COMPARTMENT DETAILS:**
- **Compartment ID:** A
- **Substance Stored 1:**
- **Substance Stored 2:**
- **Substance Stored 3:**

**COMPARTMENT DETAILS:**
- **Compartment ID:** B
- **Substance Stored 1:**
- **Substance Stored 2:**
- **Substance Stored 3:**
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<td>13</td>
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**DISTANCE:** 0.277 NW  
**MCALLEN, TX**

**LPST INFORMATION:**

- **LPST ID:** 117187  
  **Priority Code:** 4.1 - GW IMPACTED NO APPARENT THREATS OR IMPACTS TO RECEPTORS
- **Reported:** 11/10/2006  
  **Status Code:** 6A - FINAL CONCURRENCE ISSUED
- **Date Entered:** 4/4/2007  
  **Program Area:** 1 - RPR
- **Closure Date:** 9/28/2007
- **Facility Name:** DIAMOND SHAMROCK 1519  
  **TCEQ Region:** 15
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<th>MAP ID</th>
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<tbody>
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**LPST INFORMATION:**

- **LPST ID:** 104315
- **Reported:** 7/12/1990
- **Date Entered:** 8/25/1992
- **Closure Date:** 3/25/1997
- **Facility Name:** CIRCLE K 3673
- **TCEQ Region:** 15
- **Priority Code:** 4.1 - GW IMPACTED NO APPARENT THREATS OR IMPACTS TO RECEPTORS
- **Status Code:** 6A - FINAL CONCURRENCE ISSUED
- **Program Area:** 1 - RPR
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<th>HAZARD TYPE</th>
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<tbody>
<tr>
<td>15</td>
<td>LPST</td>
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**FACILITY INFORMATION:**

- **LPST ID:** 120419
- **Reported:** 11/3/2017
- **Date Entered:** 2/20/2018
- **Closure Date:** 12/31/3000
- **Facility Name:** STRIPES 9673
- **TCEQ Region:** 15

**Priority Code:** 4.1 - GW IMPACTED NO APPARENT THREATS OR IMPACTS TO RECEPTORS

**Status Code:** 1 - RELEASE DETERMINATION

**Program Area:** 1 - RPR
Ungeocodables

The following sites were not geocoded due to mapping and/or database limitations. These sites are believed to be within the subject sites zip code or in an adjacent zip code within 1/2 mile of the subject property, but due to database inaccuracies, no guarantees can be made that these sites actually exist within the zip code nor can it be guaranteed that the listed sites are the only sites in the zip code.

The following ZIP codes have been searched for ungeocodables 78577 78501 78504

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<thead>
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<th>Facility ID</th>
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DATA SOURCES

SEMS Superfund Enterprise Management System - Effective January 31, 2014, the Superfund program decommissioned CERCLIS and transitioned to the Superfund Enterprise Management System (SEMS). CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System) was a database used by the U.S. Environmental Protection Agency (EPA) to track activities under its Superfund program. The reports previously generated by the CERCLIS legacy system are now updated with SEMS – the Superfund Enterprise Management System – and include the same data and content. This database is the source for CERCLIS, NPL, NPL Delisted, NFRAP and IC/EC.

RCRA Resource Conservation and Recovery Act Information - RCRAInfo is the U.S. Environmental Protection Agency’s comprehensive information and inventory system that supports the RCRA (1976) and HSWA (1984) through the tracking of events and activities regarding permit/closure status, compliance with Federal and State regulations and cleanup activities at facilities that generate, treat, store or dispose of hazardous waste. Information on cleaning up after accidents or other activities that result in a release of hazardous materials to the water, air or land is also reported through RCRAInfo. Corrective Action is a requirement under RCRA which requires TSD facilities owners and operators to investigate and cleanup hazardous waste releases into soil, groundwater, surface water and air.

ACRES Assessment, Cleanup and Redevelopment Exchange System (EPA Brownfield) - The EPA’s ACRES database stores information reported by EPA Brownfields Grantees on Brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. Recipients are awarded EPA Brownfields funding to address hazardous substances and/or petroleum contamination at brownfield properties. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.

Land Use Controls (LUCs) - Land Use controls may consist of Institutional Controls (ICs) and Engineering Controls (ECs). LUCs help to minimize the potential for exposure to contamination and/or protect the integrity of a response action and are typically designed to work by limiting land and/or resource use or by providing information that helps modify or guide human behavior at a site. Institutional Controls (ICs) are non-engineering measures and are almost always used in conjunction with, or as a supplement to, other measures such as waste treatment or containment. There are four categories of ICs; Governmental Controls (zoning restrictions, ordinances, statues, building permits or other provisions that restrict land or resource use at a site), Proprietary Controls (easements, covenants, Deed Restrictions), Enforcement and Permit Tools (consent decrees, administrative orders), and Informational Devices (State Registries of contaminated sites, deed notices and advisories). ICs are used when contamination is first discovered, when remedies are ongoing and when residual contamination remains onsite at a level that does not allow for unlimited use and unrestricted exposure after cleanup. Engineering Controls (ECs) encompass a variety of engineered and constructed physical barriers to contain and/or prevent exposure to contamination on a property. ECs are often installed during cleanup as a condition of a no further action determination and are generally intended to be in place for long periods of time.

ERNS Emergency Response Notification System – is the database used to store information on notifications of oil discharges and hazardous substances release. The ERNS program is a cooperative data sharing effort among the Environmental Protection Agency (EPA) Headquarters, the Department of Transportation (DOT), National Transportation Systems Center (NTSC), the ten EPA Regions, the U.S. Coast Guard (USCG), and the National Response Center (NRC). ERNS provide the most comprehensive data compiled on notifications of oil discharges and hazardous substances releases in the United States. The types of release reports that are available in ERNS fall into three major categories: substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; oil and petroleum products (Clean Water Act of 1972), as amended by the Oil Pollution Act of 1990; and all other types of materials. EARNS is a database of initial notifications and not incidents, so there are limitations to the data. There may be multiple reports for a single incident, and because reports are taken over the phone, misspellings, and locational information limit the quality of some data.

State Superfund Registry in Texas - was established by the 69th Texas Legislature in 1985 and administered by TCEQ lists those abandoned or inactive sites that have serious contamination but do not qualify for the federal program, and therefore are cleaned up under the state program. The state must comply with federal guidelines in administering the state Superfund program, but EPA approval of the state Superfund actions is not required. The Remediation Division manages Superfund sites, or provides management assistance to EPA on RP-lead Superfund sites, after the site is identified as being eligible for listing on either the state Superfund registry or the federal National Priorities List (NPL).

Municipal Solid Waste – MSW data is provided by the State and the state’s 24 Councils of Governments (COGs) which have been designated as the regional municipal solid waste planning entities for Texas and are responsible for developing municipal solid waste management plans (regional plans) to encourage regional approaches to providing services and reducing MSW generation. Data on Municipal Solid Waste Facilities in Texas includes:
- MSW- Facilities (MSW) - Issued permits and other authorizations as well as pending applications for municipal solid waste landfills and processing facilities that are active, inactive, or not yet constructed.
- MWS-Closed (MSW-C) - Issued and revoked permits and other authorizations for municipal landfills and processing facilities that have closed, and applications that were withdrawn or denied.
- Closed Landfill Inventory (CLI) - Historical information listing old, closed unnumbered MSW landfills that were operated before permits were required, as well as unauthorized landfills, and miscellaneous illegal dumps and disposal site. Approximately 4200 sites were compiled in 1993, by the TCEQ in conjunction with Southwest Texas State University and the 24 COGS in Texas; estimated point locations were mapped and available historical information was collected into a database for each county and COG.

TCEQ Petroleum Storage Tank Program (PST) - regulates underground storage tanks (USTs), and to a lesser extent, aboveground storage tanks (ASTs), containing petroleum or hazardous substances. The PST Program has established action levels and screening criteria for PST chemicals of concern (COCs), to help determine whether sites must be assigned an LPST number and further investigation.

TCEQ Leaking Petroleum Storage Tanks (LPST) data – is maintained the Remediation Division oversees the cleanup of petroleum substance and hazardous releases from regulated aboveground and underground storage tanks.
DATA SOURCES

TCEQ Release Determination Reports (RDR) – are reported to the PST Program and maintained by the Remediation Division. These are used to report the results from an investigation of a suspected or confirmed release. A RDR is not always associated with a registered LPST or PST site. The RDR dataset included in this search is limited.

TCEQ Innocent Owner / Operator Program (IOP) - The Texas IOP created by House Bill 2776 of the 75th Legislature, provides a certificate to an innocent owner or operator if their property is contaminated as a result of a release or migration of contaminants from a source or sources not located on the property, and they did not cause or contribute to the source or sources of contamination.

TCEQ Voluntary Cleanup Program (VCP) - provides administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. Since all non-responsible parties, including future lenders and landowners, receive protection from liability to the state of Texas for cleanup of sites under the VCP, most of the constraints for completing real estate transactions at those sites are eliminated. As a result, many unused or under used properties may be restored to economically productive or community beneficial use. Also under the VCP, site cleanups follow a streamlined approach to reduce future human and environmental risk to safe levels. The Texas Voluntary Cleanup Program (VCP) Database provides general information on contaminated sites addressed under the Texas VCP. Institutional and Engineering Controls (IC) are included in the VCP database.

TCEQ Brownfields Site Assessments (BSA) – The BSA Program administers a grant provided by the EPA to perform Brownfields site assessment for local governments and non-profit organizations who are not responsible parties. TCEQ works in close partnership with the EPA and other federal, state, and local redevelopment agencies, and stakeholders, to facilitate cleanup, transfer and revitalization of Brownfields through the development of regulatory, tax, and technical assistance tools.

TCEQ Industrial and Hazardous Waste Program (IHW!) – The Texas Commission on Environmental Quality (TCEQ) oversees both wastes generated in Texas and those generated outside the state and sent to Texas for treatment, storage, and/or disposal. Hazardous waste is one that is listed as such by the EPA or that exhibits one or more hazardous characteristics (ignitability, reactivity, corrosiveness, or toxicity). Owners or operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit and are subject to both state and federal requirements. The Industrial and Hazardous Waste Datasets are statewide files from the TRACs-IHW system that include the permitting and annual reporting of industrial and hazardous wastes to the TCEQ.

TCEQ Industrial and Hazardous Waste Corrective Action Program (IHWCA) - The Remediation Division of the TCEQ oversees the Corrective Action Program. Corrective Action is triggered when there is a documented release of hazardous waste constituents to the environment; these releases are the result of the past and present activities at RCRA-regulated facilities. The Corrective Action process includes the investigation/evaluation, and if necessary remediation and cleanup of any contaminated air, groundwater, surface water, or soil of hazardous waste management spills or releases from waste management units and release areas, to ensure protection of human health and the environment. Corrective action requirements apply to all solid waste management units and areas of concern at a facility requiring regulatory agency permitting or closure.

Dry Cleaner Registration (DCR) - State law requires that all dry-cleaning drop stations and facilities register annually with the TCEQ, which implements performance standards at these facilities as appropriate.

TCEQ Dry Cleaner Remediation Program (DCRP) - was established under House Bill 1366 (Sept. 1, 2003) which established new environmental standards for dry cleaners and a remediation fund to assist with remediation of contamination caused by dry cleaning solvents. The program establishes a prioritization list of dry cleaner sites and administers the Dry Cleaning Remediation fund.

Municipal Setting Designations (MSD) - is an official state designation given to property within a municipality or its extraterritorial jurisdiction that certifies that designated groundwater at the property is not used as potable water, and is prohibited from future use as potable water because that groundwater is contaminated in excess of the application potable-water protective concentration level. The prohibition must be in the form of a city ordinance or a restrictive covenant that is enforceable by the city and filed in the property records. MSD is managed by the Remediation Division.

Railroad Commission of Texas Brownfields Response Program (BRP) - The Railroad Commission of Texas (RRC) regulates the exploration, production and transportation of oil and natural gas in Texas. The Brownfields response program (BRP) is designed to identify brownfields associated with oil and gas activities and to promote voluntary cleanup by providing federal grant funding for environmental site assessments. The objective of the BRP is to restore brownfields properties in communities across Texas by increasing the redevelopment potential of abandoned oil and gas sites.

Railroad Commission of Texas Voluntary Cleanup Program (RRC-VCP) - The purpose of the voluntary cleanup program is to provide an incentive to cleanup property contaminated by activities under Railroad Commission jurisdiction by removing the liability to the state of lenders, developers, owners, and operators who did not cause or contribute to contamination (a waste, pollutant or other substance or material regulated by or that results from an activity under the jurisdiction of the RRC) released at the site. The program is restricted to voluntary actions but does not replace other voluntary actions.
DATA SOURCES

Tribal Databases – The United States has a unique legal relationship with federally-recognized Indian tribes based on the Constitution, treaties, statutes, executive orders and court decisions. The EPA became the first federal agency to adopt a formal Indian Policy (1984) of working with tribes on a government-to-government basis. There are 561 federally-recognized tribes within the United States. Each tribe is an independent, sovereign nation, responsible for setting standards, making environmental policy, and managing environmental programs for its people. In Texas, these include the Alabama-Coushatta Tribe of Texas, Kickapoo Traditional Tribe of Texas, and the Ysleta Del Sur Pueblo of Texas. The EPA Region 6 Tribal Team members work as liaisons and partner with Tribes in Region 6 on a government-to-government basis, consistent with their inherent sovereignty, assisting other EPA Divisions to resolve environmental issues, consult, and support the development of tribal environmental protection programs. The American Indian Environmental Office manages the Tribal Air, Compliance Enforcement, Waste, Solid Waste and Emergency Response (OSWER), Underground Storage Tanks, Water programs, Brownfields Land Revitalization, Emergency Management, Federal Facilities Restoration and Reuse Office, Office of Resource Conservation and Recovery, Office of Superfund Remediation and Technology Innovation and Office of Underground Storage Tanks (OUST) have tribal response programs or coordinate with Indian tribes. Tribal facility information within these programs is reported through the EPA.
Central Registry Query – Regulated Entity Information

Regulated Entity Information

RN Number: RN102229051
Name: L & F DISTRIBUTORS
Primary Business: FLEET REFUELING
Street Address: 3900 N MCCOLL RD, MCALENN TX 78501 9160
County: HIDALGO
Nearest City: No near city on file.
State: TX
Near ZIP Code: 78501
Physical Location: No physical location description ON file.

Affiliated Customers - Current

Your Search Returned 2 Current Affiliation Records (View Affiliation History)

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

1-2 of 2 Records

<table>
<thead>
<tr>
<th>CN Number</th>
<th>Customer Name</th>
<th>Customer Role(s)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN600909683</td>
<td>L &amp; F DISTRIBUTORS LTD</td>
<td>OWNER</td>
<td></td>
</tr>
<tr>
<td>CN603428129</td>
<td>L &amp; F DISTRIBUTORS LLC</td>
<td>OWNER OPERATOR</td>
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</tr>
</tbody>
</table>

Industry Type Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Classification</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>424810</td>
<td>NAICS</td>
<td>Beer and Ale Merchant Wholesalers</td>
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</tbody>
</table>

Permits, Registrations, or Other Authorizations

There are a total of 2 programs and IDs for this regulated entity. Click on a column name to change the sort order.

1-2 of 2 Records

<table>
<thead>
<tr>
<th>Program</th>
<th>ID Type</th>
<th>ID Number</th>
<th>ID Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEAKING PETROLEUM STORAGE TANKS REMEDIATION</td>
<td>ID NUMBER</td>
<td>101344</td>
<td>INACTIVE</td>
</tr>
<tr>
<td>PETROLEUM STORAGE TANK REGISTRATION</td>
<td>REGISTRATION</td>
<td>28077</td>
<td>ACTIVE</td>
</tr>
</tbody>
</table>
Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: Leaking Petroleum Storage Tanks Remediation ID Number 101344
For: L F DISTRIBUTORS (RN102229051)
3900 N MCCOLL RD, MCALLEN

ID Number Status: INACTIVE

Responsible Parties: L & F Distributors, Ltd. (CN600909683) Since 10/22/1986  View Compliance History
Now Known As: L & F Distributors Ltd
Mailing Address: PO BOX 3068 MCALLEN, TX 78502 -3068

Related Information:
Correspondence Tracking
ID Number Information

There is no information related to this ID Number in the following categories:
Commissioners' Actions
Effective Enforcement Orders
Criminal Convictions
Proposed Enforcement Orders
Complaints
Discharges
Emergency Response Events
Emission Events
Fish Kills
Other Incidents
Investigations
Periodic Reports
Central Registry

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Responsible Parties: L & F Distributors, Ltd. (CN600909683) Since 10/22/1986 View Compliance History

Now Known As: L & F Distributors Ltd
Mailing Address: PO BOX 3068 MCALLEN, TX 78502 -3068

Correspondence Tracking

<table>
<thead>
<tr>
<th>Tracking No.</th>
<th>Received/Sent</th>
<th>Direction</th>
<th>Type</th>
<th>Subject</th>
<th>Due Date</th>
<th>End Date</th>
<th>Document Date</th>
<th>Method</th>
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<tr>
<td>5481608</td>
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<td>OUTGOING</td>
<td>FINAL</td>
<td></td>
<td>01/02/1992</td>
<td>01/02/1992</td>
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</tr>
</tbody>
</table>
Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Leaking Petroleum Storage Tanks Remediation ID Number 101344**
For: **L F DISTRIBUTORS (RN102229051)**
3900 N MCCOLL RD, MCALLEN

ID Number Status: **INACTIVE**

Responsible Parties: **L & F Distributors, Ltd. (CN600909683)** Since 10/22/1986  View Compliance History

Now Known As: **L & F Distributors Ltd**
Mailing Address: PO BOX 3068 MCALLEN, TX 78502 -3068

<table>
<thead>
<tr>
<th>Legal</th>
<th>Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Type</th>
<th>Status</th>
<th>Status Date</th>
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</thead>
<tbody>
<tr>
<td>101344</td>
<td>LEAKING PETROLEUM STORAGE TANK</td>
<td>01/16/1992</td>
<td>01/02/1992</td>
<td>CLEANUP</td>
<td>INACTIVE</td>
<td>01/02/1992</td>
</tr>
</tbody>
</table>
January 2, 1992

CERTIFIED MAIL

Mr. Arron Hiller, Comptroller
L & F Distributors
P.O. Box 3068
McAllen, Texas 78502

Re: Subsurface Petroleum Contamination at the L & F Distributors
3900 N. McCall McAllen, (Hidalgo County), Texas
(LPST ID No. 101344) (Facility ID No. 28077)

Dear Mr. Hiller:

We have completed our review of the investigation procedures regarding the above-referenced facility as provided in the report submitted by Petroleum Solutions, Inc., on December 30, 1991. Based upon this and other information available to us at this time, we conclude that no assessment or remedial action is required at this site. An LPST ID Number has been assigned to this case for tracking purposes. However, because no corrective action is required, this site is not eligible for reimbursement from the PSTR fund.

Should you have any questions, please contact me at 512/968-3165. Your cooperation in this matter has been appreciated.

Sincerely,

William F. Morris
PST Program Head
District 11

cc: Ron Pedde, RPR Section, PST Division, TWC
INTEROFFICE MEMORANDUM

TO: ADMINISTRATION TECHNICIAN, RPR  DATE: 1-02-92
SECTION, PST DIVISION
THRU: JEFFIE BARBEE, PST COORDINATOR,
FIELD OPERATIONS DIVISION

FROM: WILLIAM F. MORRIS, Eqs IV
        PST INSPECTOR
        DISTRICT 11, WESLACO - PHONE CODE 1232
SUBJECT: INSPECTION OF PST CONSTRUCTION ACTIVITY
FACILITY: L & F DISTRIBUTORS
ADDRESS: 3900 N. McCOLL
CITY/COUNTY: McALLEN/HIDALGO
UST ID NO: 28077  LPST ID NO: 101344

INSPECTION DATE(S): 10-02-91
TYPE: X INITIAL   FOLLOW-UP   X FINAL

SUMMARY OF INSPECTION:
1. ON 10-02-91, THE LINES AT THIS FACILITY WERE FOUND TO HAVE
   HAVE HAD A LEAK AND THE PIPE CHASE WAS OVEREXCAVATED AS
   DIRECTED BY MARC HAWS.
2. A SOIL SAMPLE WAS TAKEN AFTER THE OVEREXCAVATION WAS
   COMPLETE. THE RESULTS SHOWED THAT A RELEASE HAD OCCURED
   BUT WERE NOW WITHIN ACCEPTABLE LIMITS AND NO FURTHER ACTION
   WAS REQUIRED.
3. APPROXIMATELY 5 CU. YDS. WERE REMOVED.

COMMENTS:
A COPY OF THE RESULTS OF SOIL SAMPLING ARE ATTACHED.

THIS SITE IS CLOSED OUT AS OF 1-02-92

VIOLATIONS OBSERVED:
NONE

PERSONNEL PRESENT ON SITE DURING INSPECTION:

Signed: William F. Morris  Approved: WFM

ATTACHMENTS: (X) LUST INCIDENT REPORT  (X) SAMPLE RESULTS
(X) LETTER TO OWNER  ( ) OTHER
( ) INSPECTION CHECKLIST  ( ) NON-REGISTERED TANK FORM
(X) CONSTRUCTION NOTIFICATION

TRACKING # 911002032  LPST ID NO 101344
UST ID NO 28077
TEXAS WATER COMMISSION
PETROLEUM STORAGE TANK
RELEASE INCIDENT REPORT

28077
(FACILITY ID #)

101344
(LPST ID #)

Aboveground Storage Tank (AST)
[x] Confirmed Release
RP Discovered 10/02/91
TWC Notification 10/02/91

Reported/Discovered by: Mr./Ms. MARC HAWS
Phone: (512) 968-3165

Representing: TWC
Reported to: N/A

How Reported/Discovered: (X) TWC Inspection ( ) Telephone Call.
( ) Written Report ( ) Other

Circle Priority: 1 2 3 4 5 6 and A B C D E F
Circle Status: 1 2 3 4 5 6 and A B C D E F G H I

Primary Coordinator: (1) PST-RPR [ ] County: HIDALGO
(2) District [X] County Code #:108
(3) PST-Contract [ ]
(4) Enforcement [ ] TWC District #: 11
(5) EPA [ ]

Responsible Party: L & F DISTRIBUTORS
Address: P.O. BOX 3068
City: McALLEN State: TEXAS Zip: 78502

Contact: Mr./Ms. MR. AARON HILLER Phone: (512)687-6206
Note: If "Unknown", attach list of PRPs and write Unknown above.

Location of Release:
Name of Facility: L & F DISTRIBUTORS
Facility Address: 3900 N. McCOLL
Facility City: McALLEN Zip: 78502

Other Location Information:

Detection Method/Description: ON 10-02-91, MARC HAWS OF THIS OFFICE CONDUCTED AN INSPECTION OF THIS FACILITY AS THE LINES WERE BEING REPLACED. THERE HAD BEEN A RELEASE IN THE PIPE CHASE AND PETROLEUM SOLUTIONS, INC. WAS DIRECTED TO OVEREXCAVATE AND SAMPLE. RESULTS WERE BELOW ACTION LEVELS.
Substance Released:
[ ] 11. Unknown

If Chemical or other regulated substance, describe CAS#

Amount Released: UNKNOWN

Possible Hazards:

Impact:  (X) Soil  ( ) Groundwater  ( ) Surface Water
( ) Subsurface Utilities  ( ) Other

Receiving Water and Comments: NONE

TWC Directives/To Whom: TO: PETROLEUM SOLUTIONS, OVEREXCAVATE AREA IN PIPE CHASE AND SAMPLE.

Initial & Current Response: PETROLEUM SOLUTIONS OVEREXCAVATED APPROXIMATELY 5 CU. YARDS AND THE SAMPLE RESULTS SHOWED THAT A RELEASE HAD OCCURRED BUT WERE WITHIN ACCEPTABLE LIMITS.

Inspected by TWC: YES [OR] NOT INSPECTED

Inspection Dates:
10 /02 /91 by MARC HAWS
/ / by
/ / by

Remarks: NO FURTHER ACTION IS NECESSARY AS THE SAMPLE RESULTS WERE WITHIN ACCEPTABLE LIMITS.

Coordinator: PST

Other Authorities Involved:

Signed by: William F. Morris

Approved by: WFM

District WILLIAM F. MORRIS

Date: 01 /02 /92
December 23, 1991

Texas Water Commission
813 E. Pike
Weslaco, TX 78596

Attention: Bill Morris

Re: L & F Distributors
3900 N. McColl Rd.
McAllen, TX

Dear Mr. Morris,

In August of 1991, Petroleum Solutions, Inc. was contracted to precision test the 10,000 gallon FRP diesel tank at the above referenced location. The test was requested due to the presence of water in the tank. The initial attempt to test the tank failed, so the tank was then uncovered to isolate it from the product (suction system) and vent piping. It was discovered that the 4" bung containing the fill pipe was damaged. At this time, the tank manufacturer (Owens Corning) was contacted to make the necessary certified repair, see the enclosed O C Tanks repair receipt. Also Marc Haws of the TWC Dist.#11 office was contacted.

After the repair was completed, Petroleum Solutions, Inc. re-connected the tank and piping for a complete system test. The steel product piping was then found to have small holes and was replaced with new FRP piping. On October 2, 1991, Marc Haws of the TWC inspected the new product piping. Marc Haws directed that the soil which was in the immediate area of the old product piping be removed and a representative soil sample be taken. See enclosed soil sample results. Approximately 5 yards of soil was removed and disposed of at C & T Regional Landfill. See enclosed sample results labeled LF-2B and landfill receipt. The tank and new line was then precision tested and results are enclosed. If you need any additional information or have any questions, please let me know.

Thank you,

Mark Barron
Petroleum Solutions, Inc.

cc: Stan Smith
L & F Distributors
C & T REGIONAL LANDFILL
R. E. WOLFE ENTERPRISES OF EDINBURG
Post Office Box 316
Linn, Texas 78563
No. 8978

DATE: 12-31-51
COMPANY: Pete Lopez
DRIVER: Joe M.
TRUCK NO.: 7400 LIC. NO. 48-3692

CASH ☐ CHARGE ☐

WEIGHTS: 5 Yds.

GROSS: 137.4 cwt.

TARE: 0 cwt.

NET: 137.4 cwt.

All charge accounts due 10 days net end of month. A finance charge will be made on all past due accounts at the rate of 2% per month; an annual percentage rate of 24%.
**Field Agreement - Type C**

**O/C Tanks Corporation**

<table>
<thead>
<tr>
<th>Original Invoice</th>
<th>Final Owner</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>L&amp;F Distributors</td>
<td>5105 N. McCall Rd, McAllen, TX</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Product Description, Size, Serial No.</th>
<th>Material Being Stored</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-5-1182 7.5/182</td>
<td>Diesel</td>
</tr>
</tbody>
</table>

**Date Shipped** | **Tank Installation Date** | **Producing Plant** |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Description of Work Required:**

Remove Fitting Plate And Riser For Repair.
Fix - Re制造ure 7/8 x 17 Hole In Top Of Tank.
Could Not Fix Top Tank.

**Estimate**

- Labor hrs. at $ /hr.
- Travel hrs. at $ /hr.
- Miles at $ /per mile
- Per diem at $ /night or $ /day
- Material at list price
  - Subtotal
  - Plus 25%
  - Total

**Will this repair be warranted for 1 year?**
- Yes [ ]
- No [ ]

If no, reason for no warranty:

**O/C Tanks Technician Signature**

[Signature]

**Date**

**Customer agrees to pay O/C Tanks for this work at O/C Tanks Field Service rates net 10 upon receipt of invoice.**

**Authorized Representative of Company to Invoice**

<table>
<thead>
<tr>
<th>Customer Signature</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>[Title]</td>
<td>[Date]</td>
</tr>
</tbody>
</table>

**Company to Invoice for this Work:**

**Company**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>P.O. No.</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empire Fuel Services, Inc.</td>
<td></td>
<td>P.O. Box 2314, McAllen, TX</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Zip Code: 78502</td>
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</tbody>
</table>

**O/C Tanks Order No.**

<table>
<thead>
<tr>
<th>Job No.</th>
<th>Date of Agreement</th>
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</thead>
<tbody>
<tr>
<td>C-15764</td>
<td>8-14-91</td>
</tr>
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</table>

**Field Operations District 11**

**Customer Signature**

[Signature]

**Date**

**Dec 30 1991**

- Field Operations District 11
## CHEMICAL ANALYSIS REPORT

<table>
<thead>
<tr>
<th>Sample #</th>
<th>Sample Description</th>
<th>Sample Matrix</th>
<th>BTEX Analysis Date</th>
<th>Benzene (PPM)</th>
<th>Toluene (PPM)</th>
<th>Ethylbenzene (PPM)</th>
<th>Xylenes (PPM)</th>
<th>Total BTEX (PPM)</th>
<th>TPH Analysis Date</th>
<th>TPH (PPM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0374</td>
<td>L &amp; F Distributors W McColl Rd McAllen LF-01 Line Chase</td>
<td>Soil</td>
<td>10/05/91</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; 1.6</td>
<td>10/07/91</td>
<td>17.4</td>
</tr>
<tr>
<td>10375</td>
<td>L &amp; F Distributors W McColl Rd McAllen LF-02 Stockpile</td>
<td>Soil</td>
<td>10/05/91</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; 1.6</td>
<td>10/07/91</td>
<td>840.0</td>
</tr>
</tbody>
</table>

**Approved By:**

N. Oldman

**Analytical Methods:** BTEX in Soil or Water - 8020/AHS; TPH in Water - 418.1; TPH in Soil - 3540/418.1 or 3550/418.1

---

**Client:** Petroleum Solutions, Inc.  
P. O. Box 2346  
McAllen, TX 78502

**Date Received:** 10/04/91  
**Time Received:** 12:00  
**Date Sampled:** 10/02/91  
**Client's Job #:** 163  
**Chain of Custody #:**  
**Report Date:** 10/07/91
## Analysis Request and Chain of Custody Record

<table>
<thead>
<tr>
<th>Field Sample No./Identification</th>
<th>Date and Time</th>
<th>Grid Comp.</th>
<th>Sample Container (Site/Meat)</th>
<th>Sample Type (Liquid, Sludge, Etc.)</th>
<th>Preservative</th>
<th>ANALYSIS REQUESTED</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LF-01</td>
<td>10-2-91</td>
<td>1:40 PM</td>
<td>OZ</td>
<td>SOIL</td>
<td>ICE</td>
<td>BTEX, TPH</td>
<td>48H, 10374</td>
</tr>
<tr>
<td>LF-02</td>
<td>10-2-91</td>
<td>1:50 PM</td>
<td>OZ</td>
<td>SOIL</td>
<td>ICE</td>
<td>BTEX, TPH, TELP Benzene</td>
<td>48H, 10375</td>
</tr>
</tbody>
</table>

### Sampler Remarks:

- **Date:** 10-3-91
  - **Time:** 4:00 PM
  - **Requsted by:** (Signature)
  - **Received by:** (Signature)
  - **Date:** 10-4-91
  - **Time:** 8:00 AM
  - **Analysis:** Intact

### Affiliation:

- **Date:**
  - **Time:**
  - **Requsted by:** (Signature)
  - **Received by:** (Signature)
  - **Date:**
  - **Time:**
  - **Analysis:** Intact

### Laboratory Remarks:

- **Received for laboratory:** (Signature)
- **Date:**
- **Time:**
- **Laboratory No.:**
- **Data Results:**
CHEMICAL ANALYSIS REPORT

<table>
<thead>
<tr>
<th>Item#</th>
<th>Sample Description</th>
<th>Sample Matrix</th>
<th>BTEX Analysis Date</th>
<th>Benzene (PPM)</th>
<th>Toluene (PPM)</th>
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<th>Xylenes (PPM)</th>
<th>Total BTEX (PPM)</th>
<th>TPH Analysis Date</th>
<th>TPH (PPM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>L &amp; F Distributors M McCall, McAllen TX LF-28 Stockpile</td>
<td>Soil</td>
<td>11/26/91</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; 1.6</td>
<td>11/29/91</td>
<td>530</td>
</tr>
</tbody>
</table>

Analytical Methods: BTEX in Soil or Water - 8020/AHS; TPH in Water - 418.1; TPH in Soil - 3540/418.1 or 3550/418.1
## Analysis Request and Chain of Custody Record

### Project Information
- **Project No.:** 163
- **Client/Project Name:** PETROLEUM SOLUTIONS, INC.
- **Sample:** LF DISTRIBUTORS
- **Location:** NORTH MCCOLL RD, MCAFEE, TX

### Sample Information
- **Field Sample No./Identification:** LF-28
- **Stockpile:**
- **Date and Time:** 11-25-91 2:00pm
- **Grab:**
- **Sample Container (Site/Mat):** D02
- **Sample Type (Liquid, Sludge, Etc.):** S012
- **Preservative:**

### Analysis Requested
- **BTEX,** **TPH,** **TCLP Benzene**

### Remarks
- If Benzene or Total BTEX is
- ≥ 5 ppm

### Signature
- **Received by:**
  - **Signature:**
  - **Date:** 11-26-91
  - **Time:** 10:30

### Laboratory Information
- **Received for laboratory:**
  - **Signature:**
  - **Date:** 10-26-91
  - **Time:** 10:30

### Additional Details
- **Intact:**
- **Affiliation:**
### Data Chart for Tank System Tightness Test

#### 1. OWNER
- Name: L.F. Distributors
- Address: McClellan, TX

#### 2. OPERATOR
- Name: L.N. McClellan
- Address: McClellan, TX

#### 3. REASON FOR TEST
- Description: Pre-Occurrence Test

#### 4. WHO REQUESTED TEST AND WHEN
- Requested by: L.F.
- Date: 2020

#### 5. TANK INVOLVED
- Tank Number: South
- Capacity: 10,000 gallons
- Material: Steel

#### 6. INSTALLATION DATA
- Location: South
- Size: 4" 3" Pipe
- Basis: N/A

#### 7. UNDERGROUND WATER
- Presence: Yes
- Depth: 100 feet

#### 8. FILL-UP ARRANGEMENTS
- Method: Diesel

#### 9. CONTRACTOR, MECHANIC, OR REPAIRER
- Name: F.S. / CD Elementary

#### 10. OTHER INFORMATION OR REMARKS
- Test conducted at the water level at least 100 feet deep.

#### 11. TEST METHOD
- Method: Petro Type III

#### 12. TEST RESULTS
- Date: 9-19-2020
- Test Passed: Yes

#### 13. CONTRACTOR CERTIFICATION
- Name: F.S. / CD Elementary
- Date: 9-19-2020
TEXAS WATER COMMISSION
UNDERGROUND STORAGE TANK (UST) CONSTRUCTION NOTIFICATION FORM

This form is provided to assist UST owners in complying with the construction-notification requirements of TWC Rules, 31 TAC Chapter 334. The completion and filing of this form within the prescribed time should satisfy these requirements.

1. TYPE OF CONSTRUCTION: (Indicate all that apply.)
   - Installation
   - Addition
   - Replacement
   X Replacement
   - Improvement
   - Abandonment
   - Other (Specify)

2. FACILITY LOCATION INFORMATION:
   Facility Name: L&F DISTRIBUTORS
   Address/Location: 3900 N. McCall
   P.O. Box 3068, McAllen, TX 78502
   County: HIDALGO
   City: MCALLEN
   UST Facility No. (If known): 28077
   Telephone: 512-687-6206

3. OWNER INFORMATION:
   Owner: L&F DISTRIBUTORS
   Representative: STEW SMITH
   Title: Controller
   Address: 3900 N. McCall
   City/State/Zip: McAllen, TX 78502
   Telephone: 512-687-6206

4. UST CONSULTANT INFORMATION:
   Company: PETROLEUM SOLUTIONS, INC.
   Representative: MARK BARRON
   Address: P.O. Box 2346
   City/State/Zip: McAllen, TX 78506
   Telephone: 512-686-9582

5. UST CONTRACTOR INFORMATION:
   Company: PETROLEUM SOLUTIONS, INC.
   Representative: MARK BARRON
   Address: P.O. Box 2346
   City/State/Zip: McAllen, TX 78506
   Telephone: 512-686-9582

6. GENERAL DESCRIPTION OF PROPOSED UST ACTIVITY: (Describe all new or replacement tanks and other UST system components. Include closure procedures for UST abandons or removals. Attach additional information as appropriate.)
   REPLACE DIESEL PRODUCT LINE WITH NEW FRP PRODUCT LINE.
   REQUEST WAIVER OF 30 DAY NOTIFICATION DUE TO LINE LEAK.
   NOTE: SPOKE TO MARK HAWS 9-20-91.

7. SCHEDULE/DATES FOR PROPOSED CONSTRUCTION:
   9-26-91

8. SUBMITTED BY:
   Title & Company: MARK BARRON
   PETROLEUM SOLUTIONS, INC.

9. MAIL COMPLETED FORM TO:
   Texas Water Commission
   Underground Storage Tank Section
   P.O. Box 13087, Capitol Station
   Austin, Texas 78711-3087

   OCT 08 1991
   FIELD OPERATIONS DISTRICT 11

   **D-11** FOR TWC STAFF USE ONLY
   Date Rec'd: 10/2 Type Notice: 10/2 Dist. Rep.
   Remarks: IMP ATT DTL
   Logged by: MM Date:
January 2, 1992

CERTIFIED MAIL

Mr. Arron Hiller, Comptroller
L & F Distributors
P.O. Box 3068
McAllen, Texas 78502

Re: Subsurface Petroleum Contamination at the L & F Distributors
3900 N. McCall McAllen, (Hidalgo County), Texas
(LPST ID No. 101344) (Facility ID No. 28077)

Dear Mr. Hiller:

We have completed our review of the investigation procedures regarding the above-referenced facility as provided in the report submitted by Petroleum Solutions, Inc., on December 30, 1991. Based upon this and other information available to us at this time, we conclude that no assessment or remedial action is required at this site. An LPST ID Number has been assigned to this case for tracking purposes. However, because no corrective action is required, this site is not eligible for reimbursement from the PSTF fund.

Should you have any questions, please contact me at 512/968-3165. Your cooperation in this matter has been appreciated.

Sincerely,

William F. Morris
PST Program Head
District 11

cc: Ron Pedde, RPR Section, PST Division, TWC
TO: ADMINISTRATION TECHNICIAN, RPR
SECTON, PST DIVISION
THRU: JEFFIE BARBEE, PST COORDINATOR,
FIELD OPERATIONS DIVISION

FROM: WILLIAM F. MORRIS, Eqs 1V ,PST INSPECTOR
DISTRICT 11, WESLACO - PHONE CODE 1232

SUBJECT: INSPECTION OF PST CONSTRUCTION ACTIVITY
FACILITY: L & F DISTRIBUTORS
ADDRESS: 3900 N. McCOll
CITY/COUNTY: MCALLEN/HIDALGO
UST ID NO: 28077 LPST ID NO: 101344

INSPECTION DATE(S): 10-02-91
TYPE:  X INITIAL       FOLLOW-UP   X FINAL

SUMMARY OF INSPECTION:
1. ON 10-02-91, THE LINES AT THIS FACILITY WERE FOUND TO HAVE
   HAVE HAD A LEAK AND THE PIPE CHASE WAS OVEREXCAVATED AS
   DIRECTED BY MARC HAWS.
2. A SOIL SAMPLE WAS TAKEN AFTER THE OVEREXCAVATION WAS
   COMPLETE. THE RESULTS SHOWED THAT A RELEASE HAD OCCURED
   BUT WERE NOW WITHIN ACCEPTABLE LIMITS AND NO FUTHER ACTION
   WAS REQUIRED.
3. APPROXIMATELY 5 CU. YDS. WERE REMOVED.

COMMENTS:
A COPY OF THE RESULTS OF SOIL SAMPLING ARE ATTACHED.

THIS SITE IS CLOSED OUT AS OF 1-02-92

VIOLATIONS OBSERVED:
NONE

PERSONNEL PRESENT ON SITE DURING INSPECTION:

William F. Morris
SIGNED

WFM
APPROVED

ATTACHMENTS: (X) LUST INCIDENT REPORT  (X) SAMPLE RESULTS
(X) LETTER TO OWNER       ( ) OTHER
( ) INSPECTION CHECKLIST ( ) NON-REGISTERED TANK FORM
(X) CONSTRUCTION NOTIFICATION

TRACKING # 911002032 LPST ID NO 101344
UST ID NO 28077
TEXAS WATER COMMISSION
PETROLEUM STORAGE TANK
RELEASE INCIDENT REPORT

28077
(FACILITY ID #)

Aboveground Storage Tank (AST)

[x] Confirmed Release

RP Discovered 10/02/91
TWC Notification 10/02/91

Reported/Discovered by: Mr./Ms. MARC HAWS
Phone: (512) 968-3165

Representing: TWC

Reported to: N/A

How Reported/Discovered: (X) TWC Inspection ( ) Telephone Call
( ) Written Report ( ) Other

Circle Priority: 1 2 3 4 5 6 and A B C D E F
Circle Status: 1 2 3 4 5 6 and A B C D E F G H I

Primary Coordinator: (1) PST-RPR [ ] County: HIDALGO
(2) District [X] County Code #: 108
(3) PST-Contract [ ]
(4) Enforcement [ ] TWC District #: 11
(5) EPA [ ]

Responsible Party: L & F DISTRIBUTORS

Address: P.O. BOX 3068
City: McALLEN State: TEXAS Zip: 78502

Contact: Mr./Ms. MR. AARON HILLER Phone: (512) 687-6206
Note: If "Unknown", attach list of PRPs and write Unknown above.

Location of Release:
Name of Facility: L & F DISTRIBUTORS

Facility Address: 3900 N. McCOLL
Facility City: McALLEN Zip: 78502

Other Location Information:

Detection Method/Description: ON 10-02-91, MARC HAWS OF THIS OFFICE CONDUCTED AN INSPECTION OF THIS FACILITY AS THE LINES WERE BEING REPLACED. THERE HAD BEEN A RELEASE IN THE PIPE CHASE AND PETROLEUM SOLUTIONS, INC. WAS DIRECTED TO OVEREXCAVATE AND SAMPLE. RESULTS WERE BELOW ACTION LEVELS.
Substance Released:
[ ] 11. Unknown

If Chemical or other regulated substance, describe CAS#

Amount Released: UNKNOWN

Possible Hazards:

Impact: (X) Soil  ( ) Groundwater  ( ) Surface Water
( ) Subsurface Utilities  ( ) Other

Receiving Water and Comments: NONE

TWC Directives/To Whom: TO: PETROLEUM SOLUTIONS, OVEREXCAVATE AREA IN PIPE CHASE AND SAMPLE.

Initial & Current Response: PETROLEUM SOLUTIONS OVEREXCAVATED APPROXIMATELY 5 CU. YARDS AND THE SAMPLE RESULTS SHOWED THAT A RELEASE HAD OCCURRED BUT WERE WITHIN ACCEPTABLE LIMITS.

Inspected by TWC: YES [OR] NOT INSPECTED

Inspection Dates:
10 /02 /91 by MARC HAWS
/
/

Remarks: NO FURTHER ACTION IS NECESSARY AS THE SAMPLE RESULTS WERE WITHIN ACCEPTABLE LIMITS.

Coordinator: PST

Other Authorities Involved:

Signed by: William F. Morris

Approved by: WFM

District WILLIAM F. MORRIS

Date: 01 /02 /92

Date: 01 /02 /92
December 23, 1991

Texas Water Commission
813 E. Pike
Weslaco, TX 78596

Attention: Bill Morris

Re: L & F Distributors
3900 N. McColl Rd.
McAllen, TX

Dear Mr. Morris,

In August of 1991, Petroleum Solutions, Inc. was contracted to precision test the 10,000 gallon FRP diesel tank at the above referenced location. The test was requested due to the presence of water in the tank. The initial attempt to test the tank failed, so the tank was then uncovered to isolate it from the product (suction system) and vent piping. It was discovered that the 4" bung containing the fill pipe was damaged. At this time, the tank manufacturer (Owens Corning) was contacted to make the necessary certified repair, see the enclosed O C Tanks repair receipt. Also Marc Haws of the TWC Dist.11 office was contacted.

After the repair was completed, Petroleum Solutions, Inc. re-connected the tank and piping for a complete system test. The steel product piping was then found to have small holes and was replaced with new FRP piping. On October 2, 1991, Marc Haws of the TWC inspected the new product piping. Marc Haws directed that the soil which was in the immediate area of the old product piping be removed and a representative soil sample be taken. See enclosed soil sample results. Approximately 5 yards of soil was removed and disposed of at C & T Regional Landfill. See enclosed sample results labeled LF-2B and landfill receipt. The tank and new line was then precision tested and results are enclosed. If you need any additional information or have any questions, please let me know.

Thank you,

Mark Barron
Petroleum Solutions, Inc.

Cc: Stan Smith
L & F Distributors
C & T REGIONAL
LANDFILL
R. E. WOLFE ENTERPRISES OF EDINBURG
Post Office Box 316
Linn, Texas 78583
No. 8978

DATE: 12-21-31
COMPANY: Federal Containers
DRIVER: Joe U.
TRUCK NO. 400 LIC. NO. 48-3692

☐ CASH ☐ CHARGE

WEIGHTS

GROSS

TARE

NET

5,742
1,000
54
5,598

All charge accounts due 10 days net end of month. A finance charge will be made on all past due accounts at the rate of 2% per month; an annual percentage rate of 24%.
# Field Agreement - Type C

## O/C Tanks Corporation

<table>
<thead>
<tr>
<th>Original Invoicee</th>
<th>Final Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LF DISTRIBUTORS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3100 N, MCALLEN, TX</td>
</tr>
<tr>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Product Description, Size, Serial No.</th>
<th>Material Being Stored</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-5 1332 75132</td>
<td>Diesel</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Shipped</th>
<th>Tank Installation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Description of Work Required

- **Removal Fitting Fuel Cart Riser for Crop.**
- **Tank Replacement** 26" X 40" Top of Tank.
- **Caulk new Air Test Tank.**

## Estimate

- Labor hrs. at $ /hr.
- Travel hrs. at $ /hr.
- Miles at $ per mile
- Per diem at $ /night or $ /day

## Will this repair be warranted for 1 year? Yes [X] No [ ]

If no, reason for no warranty:

---

## O/C Tanks Technician Signature

[Signature]

Date: 1-11-91

---

Customer agrees to pay O/C Tanks for this work at O/C Tanks Field Service rates net 10 upon receipt of invoice.

---

Authorized representative of company to invoice:

Company: **Endure Fuel Services, INC.**

Address: PO. Box 3611, McAllen, TX

P.O. No.: 73-02
## CHEMICAL ANALYSIS REPORT

<table>
<thead>
<tr>
<th>Chemron #</th>
<th>Sample Description</th>
<th>Sample Matrix</th>
<th>BTEX Analysis Date</th>
<th>Benzene (PPM)</th>
<th>Toluene (PPM)</th>
<th>Ethylbenzene (PPM)</th>
<th>Xylenes (PPM)</th>
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<th>TPH Analysis Date</th>
<th>TPH (PPM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10374</td>
<td>L &amp; F Distributors W McColl Rd McAllen LF-01 Line Chase</td>
<td>Soil</td>
<td>10/05/91</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; 1.6</td>
<td>10/07/91</td>
<td>17.6</td>
</tr>
<tr>
<td>10375</td>
<td>L &amp; F Distributors W McColl Rd McAllen LF-02 Stockpile</td>
<td>Soil</td>
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Approved By: [Signature]

Analytical Methods: BTEX in Soil or Water - 8020/AHS; TPH in Water - 418.1; TPH in Soil - 3540/418.1 or 3550/418.1
<table>
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<tr>
<th>Field Sample No./ Identification</th>
<th>Date and Time</th>
<th>Grab</th>
<th>Sample Container (Size/Matt')</th>
<th>Sample Type (Liquid, Sludge, Etc.)</th>
<th>Preservative</th>
<th>ANALYSIS REQUESTED</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LF-01 LINE CHARGE</td>
<td>10-2-91</td>
<td>1:40pm</td>
<td>GLASS</td>
<td>SOIL 1cc</td>
<td>BTEX, THQ</td>
<td></td>
<td>46hr 10374</td>
</tr>
<tr>
<td>LF-02 STOCKPILE</td>
<td>10-2-91</td>
<td>1:50pm</td>
<td>GLASS</td>
<td>SOIL 1cc</td>
<td>BTEX, THQ, TELP BENZENE</td>
<td>46hr 10375</td>
<td></td>
</tr>
</tbody>
</table>

If Benzene is > 5 ppm

Samplers: (Signature)  
Matt. Bare  
Date: 10-3-91  
Time: 4:00pm  
Received by: (Signature)  
Date: 10-4-91  
Time: 2:00pM  
Intact  

Affiliation  

Received for laboratory: (Signature)  
Date:  
Time:  
Laboratory No.  

Data Results to:  
Seal #
**Chemical Analysis Report**

<table>
<thead>
<tr>
<th>Chemron #</th>
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<th>TPH Analysis Date</th>
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</thead>
<tbody>
<tr>
<td>11971</td>
<td>L &amp; F Distributors W McCall, McAllen TX LF-2B Stockpile</td>
<td>Soil</td>
<td>11/26/91</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>&lt; .4</td>
<td>1.6</td>
<td>11/29/91</td>
<td>530.</td>
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**Approved By: [Signature]**

Analytical Methods: BTEX in Soil or Water - 8020/AHS; TPH in Water - 418.1; TPH in Soil - 3540/418.1 or 3550/418.1
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<th>Field Sample No./Identification</th>
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<th>Lab Name</th>
<th>Sample Type (Liquid, Sludge, Etc.)</th>
<th>Preservative</th>
<th>Analysis Requested</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>LF-28 STOCKPILE 11-25-91</td>
<td>2:00pm</td>
<td>Soil</td>
<td>LOF DISTRIBUTORS</td>
<td></td>
<td>F active</td>
<td>if Benzene or total BTEX is $\geq 5$ ppm</td>
</tr>
</tbody>
</table>

Date: 11-26-91 Time: 10:20 Laboratory No. 1038
TEXAS WATER COMMISSION
UNDERGROUND STORAGE TANK (UST) CONSTRUCTION NOTIFICATION FORM

This form is provided to assist UST owners in complying with the construction notification requirements of TWC Rules, 31 TAC Chapter 334. The completion and filing of this form within the prescribed time should satisfy these requirements.

1. TYPE OF CONSTRUCTION: (Indicate all that apply.)
   - Installation
   - Addition
   - Replacement
   - Improvement
   - Removal
   - Abandonment

2. FACILITY LOCATION INFORMATION:
   - Facility Name: L & F DISTRIBUTORS
   - Address/Location: 3900 N. McColl
     P.O. Box 3068, McAllen, TX 78502
   - County: Hidalgo
   - City: McAllen
   - UST Facility No. (If known): 2807
   - Telephone: 512-687-6206

3. OWNER INFORMATION:
   - Owner: L & F DISTRIBUTORS
   - Representative: STAN SMITH
   - Title: Controller
   - Address: 3900 N. McColl
   - City: McAllen, TX 78502
   - Telephone: 512-687-6206

4. UST CONSULTANT INFORMATION:
   - Company: Petroleum Solutions, Inc.
   - Representative: MARK BARRON
   - Address: P.O. Box 2346
   - City: McAllen, TX 78502
   - Telephone: 512-686-2582

5. UST CONTRACTOR INFORMATION:
   - Company: Petroleum Solutions, Inc.
   - Representative: MARK BARRON
   - Address: P.O. Box 2346
   - City: McAllen, TX 78502
   - Telephone: 512-686-2582

6. GENERAL DESCRIPTION OF PROPOSED UST ACTIVITY: (Describe all new or replacement tanks and other UST system components. Include closure procedures for UST abductions or removals. Attach additional information as appropriate.)

   REPLACE DIESEL PRODUCT LINE WITH NEW ERP PRODUCT LINE.

   REQUEST WAIVER OF 30 day notification due to line leak.

   NOTE: Spoke to MARC HAWES 9-20-91

7. SCHEDULE/DATES FOR PROPOSED CONSTRUCTION:
   - 9-26-91

8. SUBMITTED BY:
   - Title & Company: MARK BARRON
     Petroleum Solutions, Inc.

9. MAIL COMPLETED FORM TO:

   Texas Water Commission
   Underground Storage Tank Section
   P.O. Box 13087, Capitol Station
   Austin, Texas 78711-3087

   Received: SEP 30, 1991
   Date: 9-23-91

   FOR TNC STAFF USE ONLY
   Date Rec'd: 10-12 Type Notice: D-11 9130
   District: 11 Dist. Rep.: IMP
   Remarks: 911002032
   Logged by: M M Date: 911002032

   OCT 03, 1991
   FIELD OPERATIONS
   DISTRICT 11
Central Registry Query - Regulated Entity Information

Regulated Entity Information

RN Number: RN102229051
Name: L & F DISTRIBUTORS
Primary Business: FLEET REFUELING
Street Address: 3900 N MCCOLL RD, MCALLEN TX 78501 9160
County: HIDALGO
Nearest City: No near city on file.
State: TX
Near ZIP Code: 78501
Physical Location: No physical location description ON file.

Affiliated Customers - Current
Your Search Returned 2 Current Affiliation Records (View Affiliation History)

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

1-2 of 2 Records

<table>
<thead>
<tr>
<th>CN Number</th>
<th>Customer Name</th>
<th>Customer Role(s)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN600909683</td>
<td>L &amp; F DISTRIBUTORS LTD</td>
<td>OWNER</td>
<td></td>
</tr>
<tr>
<td>CN603428129</td>
<td>L &amp; F DISTRIBUTORS LLC</td>
<td>OWNER OPERATOR</td>
<td></td>
</tr>
</tbody>
</table>

Industry Type Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Classification</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>424810</td>
<td>NAICS</td>
<td>Beer and Ale Merchant Wholesalers</td>
</tr>
</tbody>
</table>

Permits, Registrations, or Other Authorizations
There are a total of 2 programs and IDs for this regulated entity. Click on a column name to change the sort order.

1-2 of 2 Records

<table>
<thead>
<tr>
<th>Program</th>
<th>ID Type</th>
<th>ID Number</th>
<th>ID Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEAKING PETROLEUM STORAGE TANKS REMEDIATION</td>
<td>ID NUMBER</td>
<td>101344</td>
<td>INACTIVE</td>
</tr>
<tr>
<td>PETROLEUM STORAGE TANK REGISTRATION</td>
<td>REGISTRATION</td>
<td>28077</td>
<td>ACTIVE</td>
</tr>
</tbody>
</table>
Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: Petroleum Storage Tank Registration 28077  View Registration
For: L & F DISTRIBUTORS (RN102229051)
3900 N MCCOLL RD, MCALLEN
Registration Status: ACTIVE

Held by: L & F DISTRIBUTORS LLC (CN603428129) View 'Issued To' History
OWNER OPERATOR Since 06/29/2007 View Compliance History
Now Known As: L & F DISTRIBUTORS, LLC
Mailing Address: 3900 N MCCOLL RD MCALLEN, TX 78501 -9160

View Earlier Holders

Related Information:

Registration Information

There is no information related to this Registration in the following categories:

Commissioners' Actions
Correspondence Tracking
Effective Enforcement Orders
Criminal Convictions
Proposed Enforcement Orders
Complaints
Discharges
Emergency Response Events
Emission Events
Fish Kills
Other Incidents
Investigations
Periodic Reports
Texas Commission on Environmental Quality

Notice of Storage Tank Registration
(Non-Transferable)

This hereby certifies that the storage tanks owned and located as indicated below are duly registered with the Texas Commission on Environmental Quality. (See below for owners and operators responsibilities.)

**OWNER ID NUMBER** 75571  
**FACILITY NUMBER** 0028077

<table>
<thead>
<tr>
<th>FACILITY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F DISTRIBUTORS, LLC</td>
<td></td>
</tr>
<tr>
<td>GREG LAMANTIA</td>
<td></td>
</tr>
<tr>
<td>3900 N MCCOLL RD</td>
<td></td>
</tr>
<tr>
<td>MCALLEN, TX 78501-9160</td>
<td></td>
</tr>
</tbody>
</table>

**NUMBER OF USTs** 0  
**NUMBER OF ASTs** 2

**Important Information**

This certificate verifies tank registration ONLY, and does NOT certify this facility's compliance with other TCEQ requirements, such as UST financial responsibility (e.g., insurance), technical standards (e.g., release detection, spill/overfill prevention & corrosion protection) or payment of Registration Fees.

After 12/22/98, the state’s petroleum storage tank remediation (PSTR) fund is no longer an acceptable UST financial responsibility mechanism for corrective action. Owners & operators of regulated petroleum USTs must now maintain required coverage for BOTH corrective action AND third-party bodily injury/property damage by other allowable mechanisms (e.g., insurance).

If a confirmed petroleum release from an eligible storage tank was first discovered and reported to the TCEQ after 12/22/98, none of the associated cleanup costs are eligible for reimbursement or payment from the state's PSTR fund. [Water Code §26.3512(b)(5)]

TCEQ LPS Form WC39B1 (01-15-1999)
Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: Petroleum Storage Tank Registration 28077
For: L & F DISTRIBUTORS (RN102229051)
3900 N MCCOLL RD, MCALLEN

Registration Status: ACTIVE

Held by: L & F DISTRIBUTORS LLC (CN603428129) View 'Issued To' History
OWNER OPERATOR Since 06/29/2007 View Compliance History

Now Known As: L & F DISTRIBUTORS, LLC
Mailing Address: 3900 N MCCOLL RD MCALLEN, TX 78501 -9160

Financial Assurance

None

Self-Certification Status by Compartment

None

Registered Tanks and Their Associated Systems

Table 1. Underground Storage Tank Summary  View Aboveground Storage Tanks

<table>
<thead>
<tr>
<th>Tank</th>
<th>Capacity (Gallon)</th>
<th>Date Installed</th>
<th>Status</th>
<th>Substance Stored</th>
<th>Related Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10000</td>
<td>01/01/1978</td>
<td>Removed from Ground (06/05/2001)</td>
<td>A: Gasoline</td>
<td>Tank Details Compartment Piping Vapor Recovery</td>
</tr>
<tr>
<td>2</td>
<td>8000</td>
<td>01/01/1978</td>
<td>Removed from Ground (06/05/2001)</td>
<td>A: Diesel</td>
<td>Tank Details Compartment Piping Vapor Recovery</td>
</tr>
</tbody>
</table>

Table 2. Tank Details

<table>
<thead>
<tr>
<th>Tank</th>
<th>Design &amp; Materials</th>
<th>Corrosion Protection</th>
<th>Release Detection</th>
<th>Spill Containment and Overfill Prevention</th>
<th>Installation Contractor</th>
<th>Installer</th>
<th>Test Result</th>
<th>Related Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1: Single Wall (FRP)</td>
<td>FRP (Noncorrodible)</td>
<td>A: 1: Tight Fill Fitting 2: Fac Built Spill Cont/Bcky/Sump 3: Flow Restrictor Valve</td>
<td></td>
<td>Tank Tested</td>
<td></td>
<td>Tank Summary Compartment Piping Vapor Recovery</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1: Single Wall (FRP)</td>
<td>FRP</td>
<td>A: 1: Tight Fill Fitting</td>
<td></td>
<td></td>
<td></td>
<td>Tank Summary</td>
<td></td>
</tr>
</tbody>
</table>

Table 3. Compartment Details

<table>
<thead>
<tr>
<th>Tank</th>
<th>Compartment</th>
<th>Capacity (gallons)</th>
<th>Principal Substance</th>
<th>Other Substance</th>
<th>Release Detection</th>
<th>Spill Containment and Overfill Prevention</th>
<th>Related Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A</td>
<td>10000</td>
<td>Gasoline</td>
<td></td>
<td>1: Tight Fill Fitting 2: Fac Built Spill Cont/Bcky/Sump 3: Flow Restrictor Valve</td>
<td></td>
<td>Tank Summary Compartment Piping Vapor Recovery</td>
</tr>
</tbody>
</table>

Table 4. Piping Systems

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FRP</td>
<td>Single Wall</td>
<td>1: FRP (Noncorrodible)</td>
</tr>
</tbody>
</table>
|   |   |   | Tank Summary
|   |   |   | Tank Details
|   |   |   | Compartment
|   |   |   | Vapor Recovery |
| 2 | FRP | Single Wall | 1: FRP (Noncorrodible) |
|   |   |   | Tank Summary
|   |   |   | Tank Details
|   |   |   | Compartment
|   |   |   | Vapor Recovery |

Table 5. Vapor Recovery Systems

<table>
<thead>
<tr>
<th>Tank</th>
<th>Type of Stage 1</th>
<th>Date Installed</th>
<th>Type of Stage 2</th>
<th>Date Installed</th>
<th>Related Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Not Reported</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Not Reported</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 6. Aboveground Storage Tanks

<table>
<thead>
<tr>
<th>Tank</th>
<th>Capacity</th>
<th>Status</th>
<th>Date Installed</th>
<th>Date Registered</th>
<th>Out of Use</th>
<th>Substance Stored</th>
<th>Material Of Construction</th>
<th>Containment</th>
<th>Vapor Recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6000</td>
<td>In Use</td>
<td>11/08/2002</td>
<td>11/18/2002</td>
<td>Gasoline</td>
<td>Steel</td>
<td>Concrete</td>
<td>Stage 1: Not Reported</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>6000</td>
<td>In</td>
<td>11/08/2002</td>
<td>11/18/2002</td>
<td>Diesel</td>
<td>Steel</td>
<td>Concrete</td>
<td>Stage 1: Not Reported</td>
<td></td>
</tr>
</tbody>
</table>
# TCEQ ABOVEGROUND STORAGE TANK REGISTRATION FORM

**Texas Commission on Environmental Quality**

**Regulated Entity No.:** RN10229051

**Customer No.:** CN600909683

**For Use In Texas**

## 1. TANK OWNER INFORMATION

<table>
<thead>
<tr>
<th>Owner Business or Last Name</th>
<th>Tank Owner First Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F DISTRIBUTORS, LLC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner Mailing Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3900 N. MCCOLL RD</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCALEN</td>
<td>TX</td>
<td>78501</td>
</tr>
</tbody>
</table>

**Country (Outside USA):**

<table>
<thead>
<tr>
<th>E-Mail Address</th>
<th>Fax No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>956-687-8569</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner’s Authorized Representative</th>
<th>Title</th>
<th>Telephone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREG LAMANTIA</td>
<td>PARTNER</td>
<td>956-687-7751</td>
</tr>
</tbody>
</table>

**STATE FRANCHISE TAX ID:**

<table>
<thead>
<tr>
<th>Dunn No.</th>
<th>Number of Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-20</td>
</tr>
<tr>
<td></td>
<td>21-100</td>
</tr>
<tr>
<td></td>
<td>101-250</td>
</tr>
<tr>
<td></td>
<td>251-500</td>
</tr>
<tr>
<td></td>
<td>501 &amp; Higher</td>
</tr>
</tbody>
</table>

## 2. FACILITY INFORMATION

**Facility Name:**

<table>
<thead>
<tr>
<th>L &amp; F DISTRIBUTORS, LLC</th>
</tr>
</thead>
</table>

**Physical Location:**

<table>
<thead>
<tr>
<th>3900 N. MCCOLL RD</th>
</tr>
</thead>
</table>

**City:**

<table>
<thead>
<tr>
<th>MCALEN</th>
<th>TEXAS</th>
<th>ZIP CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>78501</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On-Site Contact Person</th>
<th>Title</th>
<th>Telephone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREG LAMANTIA</td>
<td>PARTNER</td>
<td>956-687-7751</td>
</tr>
</tbody>
</table>

**E-Mail Address:**

| 956-687-8569 |

**Latitude:**

<table>
<thead>
<tr>
<th>Degrees</th>
<th>Minutes</th>
<th>Seconds</th>
</tr>
</thead>
</table>

**Longitude:**

<table>
<thead>
<tr>
<th>Degrees</th>
<th>Minutes</th>
<th>Seconds</th>
</tr>
</thead>
</table>

## 3. TANK OPERATOR INFORMATION

**Type of Tank Operator:**

<table>
<thead>
<tr>
<th>Individual</th>
<th>Corporation</th>
</tr>
</thead>
</table>

**Printed Name of Operator:**

<table>
<thead>
<tr>
<th>GREG LAMANTIA</th>
</tr>
</thead>
</table>

**Operator's Authorized Representative:**

<table>
<thead>
<tr>
<th>PARTNER</th>
</tr>
</thead>
</table>

**Reason for Submitting Form:**

1. Initial Registration
2. AST Ownership Change (New Owner indicate effective date)...
3. Amendment of: A Owner Information Update B Operator Information Update C Facility Information Update
4. Other (Specify): ANNUAL RENEWAL

## 4. REGISTRATION STATUS

**Reason:**

1. Initial Registration
2. AST Ownership Change (New Owner indicate effective date)...
3. Amendment of: A Owner Information Update B Operator Information Update C Facility Information Update
4. Other (Specify): ANNUAL RENEWAL

## 5. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of these individuals, I am responsible for obtaining the information. I believe that the submitted information is true, accurate, and complete.

**Printed Name of Owner/Operator (or Authorized Representative):**

<table>
<thead>
<tr>
<th>JESSE MONTALVO</th>
</tr>
</thead>
</table>

**Title:**

<table>
<thead>
<tr>
<th>FLEET MANAGER</th>
</tr>
</thead>
</table>

**Signature of Owner/Operator (or Authorized Representative):**

<table>
<thead>
<tr>
<th>2/11/14</th>
</tr>
</thead>
</table>

**Date of Signature (Please Print):**

2/11/14

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-2160.

**20140210 Page 1 of 3**
## 6. TCEQ Programs in Which This Regulated Entity Participates

Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark:

<table>
<thead>
<tr>
<th>Program Type</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Feeding Operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title V - Air</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial &amp; Hazardous Waste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal Solid Waste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Source Review - Air</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum Storage Tank</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Water Rights</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TCEQ Aboveground (AST) General Information

**Who Must Register?** Registration is required by Title 30 TAC, Chapter 334, Subchapter F, Section 334.123 for all aboveground storage tanks (ASTs) that have been used to store a regulated petroleum product that are in existence as of September 1, 1989, or that are brought into use after September 1, 1989. The deadline for registering existing tanks was March 1, 1990. Owners who put tanks into use after March 1, 1990 must register their tanks with the Texas Commission on Environmental Quality within 30 days from the date any regulated product is placed into the tank.

**Which Tanks Are Regulated?** AST is defined as a non-vehicular device that is made of non-earthen materials; located on or above the surface of the ground or on or above the surface of the floor of a structure below ground, such as a mine working, basement, or vault; and designed to contain an accumulation of petroleum. Only ASTs with a capacity greater than 1,100 gallons are regulated.

**What Petroleum Products Are Regulated?** Petroleum product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including:
1. motor gasoline;
2. aviation gasoline;
3. gasohol, and other blended fuels;
4. kerosene;
5. distillate fuel oil; and
6. diesel #1 and #2.

The term does not include naphtha-type jet fuel, kerosene-type jet fuel, waste oil, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

**Which Tanks Are Exempt?** The following ASTs are exempt from regulation under this program:
1. a tank used for storing heating oil for contraceptive use on the premises where stored;
2. a tank for storing heating oil for noncommercial purposes;
3. a tank used for storing heating oil for commercial use on the premises where stored;
4. a surface impoundment, pit, pond, or lagoon;
5. a stormwater or wastewater collection system;
6. a flow-through process tank;
7. a tank, liquid trap, gathering line, or other facility used in connection with the exploration, development, or production of oil, gas, or geothermal resources, or any other activity regulated by the Railroad Commission of Texas pursuant to the Natural Resources Code, §91.101;
8. a transformer or other electrical equipment that contains a regulated substance and that is used in the transmission of electricity, to the extent that such a transformer or equipment is exempted by the United States Environmental Protection Agency under 40 C.F.R. Part 280;
9. an AST is exempt from regulation under this chapter if the sole or principal substance in the tank is a hazardous substance;
10. an interstate pipeline facility, including gathering lines, or an AST connected to such a facility is exempt from regulation under this chapter if the pipeline facility is regulated under:
   1. the Natural Gas Pipeline Safety Act of 1968 (49 United States Code, §1671 et seq.)
   2. the Hazardous Liquid Pipeline Safety Act of 1979 (49 United States Code, §6201 et seq.);
11. an intrastate pipeline facility or aboveground storage tank connected to such a facility is exempt from regulation under this chapter if the pipeline facility is regulated under one of the following state laws:
   1. Natural Resources Code, Chapters 111 and 117
   2. Texas Civil Statutes, Articles 6053-1 and 6053-2; and
12. an AST that is located at or is part of a petrochemical plant, a petroleum refinery, an electric generating facility, or a bulk facility as that term is defined by §26.3574(a) of the Water Code is exempt from regulation under this chapter but is not exempt for purposes of the fee for delivery of certain petroleum products authorized under §26.3574 of the Water Code.

**Amended Registration:** An owner of a regulated AST is required to provide written notice to the TCEQ of any changes or additional information concerning the status of any regulated tank, including, but not limited to, operational status condition, product stored, and ownership. When filing an amended registration form, please mark the appropriate box in Section IV. Notice must be filed with the Commission within 30 days from the date of occurrence or knowledge of the status change.

**AST Fees:** An annual fee of $25.00 is imposed for each tank regulated under this program. Fees shall be paid by the owner of the tank. Please do not send the fee with this registration form; you will be sent an annual bill for the fees owed.

**Penalties:** Any owner who knowingly fails to register their ASTs or submits false information may be subject to a civil penalty not to exceed $10,000 per day for each violation.

If you have questions on how to fill out this form or regarding the PST program, please contact us at 512/239-2160.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. If you wish to review such information, contact us at 512/239-2160.

For data verification purposes, please check our IWR (Integrated web reporting) web page [www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch](http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch)
# TCEQ - AST REGISTRATION FORM

## 7 DESCRIPTION OF ABOVEGROUND STORAGE TANKS

<table>
<thead>
<tr>
<th>Tank ID (e.g. 1, 2, 3 or A, B, C)</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tank Installation Date (Month/day/year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank Capacity (U.S. gallons)(must be &gt; 1100 gallons)</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Tank Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-In Use (includes tanks that are inactive but contain product)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2-Out of Use (tanks that are inactive and do not contain product). Indicate date taken out of use (mo/day/yr).</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Product Stored</td>
<td>Mark all that apply</td>
<td></td>
</tr>
<tr>
<td>1-Gasoline</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2-Diesel</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3-Kerosene</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4-Alcohol Blended Fuel</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>5-Aviation Gasoline</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>6-Distillate Fuel Oil</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Material of Construction</td>
<td>Mark all that apply</td>
<td></td>
</tr>
<tr>
<td>1-Steel</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2-Fiberglass</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3-Aluminum</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4-Corrugated Metal</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>5-Concrete</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Containment</td>
<td>Mark all that apply</td>
<td></td>
</tr>
<tr>
<td>1-Earth Dike</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2-Containment Liner</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3-Concrete</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4-None</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Stage I Vapor Recovery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* See rule &amp; location exemption information.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-Stage I (AST to tanker truck): Installation date:</td>
<td>1-</td>
<td>1-</td>
</tr>
<tr>
<td>• Type: 1a-Stage 1 two-point system</td>
<td>1a-</td>
<td>1a-</td>
</tr>
<tr>
<td>1b-Stage 1 coaxial system</td>
<td>1b-</td>
<td>1b-</td>
</tr>
<tr>
<td>* Exempt by: 1c-TCEQ Rule*</td>
<td>1c-</td>
<td>1c-</td>
</tr>
</tbody>
</table>

*STAGE I VAPOR RECOVERY* - Please indicate whether your system has Stage I vapor recovery equipment and the installation date of the equipment. Applicable requirements may be found in 30 TAC, §§115.221-229 and §§115.241-249. If your AST system is not located in a non-attainment county or one of the 95 covered attainment counties, completion of this section is not necessary. For a complete list of covered attainment counties, please refer to 30 TAC, §115.10.

1. Stage I - system used to capture vapors from the AST during deliveries. Stage I is required in non-attainment counties and in the 95 covered attainment counties if throughput is greater than 125,000 gallons.

If you have questions on how to fill out this form or regarding the PST program, please contact us at 512/239-2160.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. If you wish to review such information, contact us at 512/239-2160.

For data verification purposes, please check our IWR (Integrated web reporting) web page [www12.tceq.texas.gov/cprub/index.cfm?fuseaction=regent.RNSearch](http://www12.tceq.texas.gov/cprub/index.cfm?fuseaction=regent.RNSearch)

***MAKE A COPY OF FORM FOR YOUR RECORDS***

**Form Completion Instructions**

- **Print Form**
- **Reset Form**
NOTICE
OF
DOCUMENT
QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

THE QUALITY OF THE FOLLOWING DOCUMENT(S) IS SUCH THAT ALL OR PORTIONS OF THE MICROFILMED IMAGE MAY BE DIFFICULT TO READ OR ILLEGIBLE

Some reason for poor quality:

There are multiple densities per page, different types of ink, faded documents and some documents are different colors. Many of the photographs are of poor quality.
November 8, 2002

L & F Distributors
3900 N. McColl Rd.
McAllen, Tx 78501

Attn: Greg LaMantia

Re: Tank registration
L & F Distributors
3900 N. McColl Rd.
McAllen, Tx

Dear Mr. LaMantia:

Please find enclosed a Texas Natural Resource Conservation Commission AST registration form for the aboveground storage tanks installed at the above referenced location. The Texas Natural Resource Conservation Commission requires that the owner or operator of an aboveground storage tank system register that system with the Commission. I have completed the sections that concern Petroleum Solutions, Inc. If you will complete sections I, II, III, V, VI and VII then mail to:

Petroleum Storage Tank Registration Program (MC-138)
Texas Natural Resource Conservation Commission
P. O. Box 13087
Austin, TX 78711-3087

This will complete the registration of the new tanks. If you have any questions, please contact me.

Sincerely,

[Signature]
Mark Barron
Petroleum Solutions, Inc.

encl.
Customer No.: CN  
Regulated Entity No.: RN

**TNRCC - ABOVEGROUND STORAGE TANK REGISTRATION FORM**

**Texas Natural Resource Conservation Commission**

**For Use in TEXAS**

<table>
<thead>
<tr>
<th>TANK OWNER BUSINESS OR LAST NAME:</th>
<th>Greg LaMantia</th>
</tr>
</thead>
<tbody>
<tr>
<td>TANK OWNER FIRST NAME:</td>
<td>Greg LaMantia</td>
</tr>
</tbody>
</table>

**TANK OWNER INFORMATION**

<table>
<thead>
<tr>
<th>CITY/STATE ZIP CODE</th>
<th>ADDRESS</th>
<th>CITY/STATE ZIP CODE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>McAllen, Texas 78501</td>
<td>3900 N. McColl Rd</td>
<td>McAllen, Texas 78501</td>
<td>3900 N. McColl Rd</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COUNTRY (INSIDE USA)</th>
<th>E-MAIL ADDRESS</th>
<th>RECORDS CUSTOMER/CONTACT PERSON</th>
<th>TELEPHONE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td><a href="mailto:greg.lamantia@infdist.com">greg.lamantia@infdist.com</a></td>
<td>Greg LaMantia 956-687-7751</td>
<td>956-687-8569</td>
</tr>
</tbody>
</table>

**STATE FRANCHISE TAX ID (CR):**

<table>
<thead>
<tr>
<th>DUNNO (CR)</th>
<th>NUMBER OF EMPLOYEES (CR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>74-2200636</td>
<td>0-20 031-100 031-250 031-500 501 &amp; HIGHER</td>
</tr>
</tbody>
</table>

**II. FACILITY INFORMATION**

<table>
<thead>
<tr>
<th>FACILITY NAME:</th>
<th>L &amp; F DISTRIBUTORS</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>TYPE OF FACILITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHYSICAL LOCATION:</th>
<th>3900 N. McColl Rd</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>McAllen</td>
<td>Texas</td>
<td>78501</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On-Site Contact Person</th>
<th>Title:</th>
<th>Telephone No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jessie Montalvo Manager</td>
<td>956-687-7751</td>
<td>956-687-8569</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIMARY SRC CODE (CR):</th>
<th>SECONDARY SRC CODE (CR):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NUMBER OF REGULATED USTs</th>
<th>NUMBER OF REGULATED ASTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

**III. TANK OPERATOR INFORMATION**

<table>
<thead>
<tr>
<th>OPERATOR'S AUTHORIZED REPRESENTATIVE:</th>
<th>Greg LaMantia 956-687-7751</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>DATE LISTED PERSON BECAME OPERATOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1/2017</td>
</tr>
</tbody>
</table>

**REASON FOR SUBMITTING FORM**

<table>
<thead>
<tr>
<th>Initial Registration</th>
<th>Operator Change</th>
<th>Owner Information Update</th>
<th>Facility Information Update</th>
<th>Tank Information Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**IV. REGISTRATION STATUS**

**V. OWNER CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

**PRINTED NAME OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE):**

<table>
<thead>
<tr>
<th>SIGNATURE OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE):</th>
</tr>
</thead>
</table>

If you have questions on how to fill out this form or about the petroleum storage tank registration and self-certification program, please contact us at 512/239-2160. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3297.
## VI. TNRCC PROGRAMS IN WHICH THIS REGULATED ENTITY PARTICIPATES (CR)

- Animal Feeding Operation
- Petroleum Storage Tank
- Water Rights
- Title V - Air
- Wastewater Permit
- Unknown
- Industrial & Hazardous Waste
- Water Districts
- New Source Review - Air
- Water Utilities
- Licensing - Type (S)
- Municipal Solid Waste

## TNRCC ABOVEGROUND (AST) GENERAL INFORMATION

Who Must Register: Registration is required by Title 30 TAC, Chapter 334, Subchapter F, Section 334.123 for all aboveground storage tanks (ASTs) that have been used to store a regulated petroleum product that are in existence as of September 1, 1989, or that are brought into use after September 1, 1989. The deadline for registering existing tanks was March 1, 1990. Owners who put tanks into use after March 1, 1990 must register their tanks with the Texas Natural Resource Conservation Commission within 30 days from the date any regulated product is placed into the tank.

Which Tanks Are Regulated: AST is defined as a non-vehicular device that is made of non-metallic materials, located on or above the surface of the ground or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault, and designed to contain an accumulation of petroleum. Only ASTs with a capacity greater than 1000 gallons are regulated.

What Petroleum Products Are Regulated: Petroleum product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including:
1. Motor gasoline;
2. Gasohol, and other blended fuels; and
3. Aviation gasoline;
4. Kerosene;
5. Distillate fuel oil; and
6. Diesel #1 and #2.

The term does not include naphtha-type jet fuel, kerosene-type jet fuel, waste oil, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Which Tanks Are Exempt: The following ASTs are exempt from regulation under this program:
1. A farm or residential AST with a capacity of 1,100 gallons or less used for motor fuel for noncommercial purposes; and
2. A tank used for storing heating oil for consumptive use on the premises where stored.
3. A septic tank;
4. A surface impoundment, pit, pond, or lagoon;
5. A stormwater or wastewater collection system;
6. A flow-through process tank;
7. A tank, liquid trap, gathering line, or other facility used in connection with the exploration, development, or production of oil, gas, or geothermal resources, or any other activity regulated by the Railroad Commission of Texas pursuant to the Natural Resources Code, §91.101;
8. A transformer or other electrical equipment that contains a regulated substance and that is used in the transmission of electricity, to the extent that such a transformer or equipment is exempted by the United States Environmental Protection Agency under 40 C.F.R. Part 280;
9. An AST is exempt from regulation under this chapter if the sole or principal substance in the tank is a hazardous substance;
10. An interstate pipeline facility, including gathering lines, or an AST connected to such a facility is exempt from regulation under this chapter if the pipeline facility is regulated under:
   (1) The Natural Gas Pipeline Safety Act of 1968 (49 United States Code, §1671 et seq.);
   (2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 United States Code, §2001 et seq.);
11. An interstate pipeline facility or aboveground storage tank connected to such a facility is exempt from regulation under this chapter if the pipeline facility is regulated under one of the following state laws:
   (1) The Natural Resources Code, Chapters 111 and 117;
   (2) Texas Civil Statutes, Articles 6053-1 and 6053-2; and
12. An AST that is located at or is part of a petrochemical plant, a petroleum refinery, an electric generating facility, or a bulk facility as that term is defined by §26.3574(a) of the Water Code is exempt from regulation under this chapter but is not exempt for purposes of the fee for delivery of certain petroleum products authorized under §26.3574(e).

Amended Registration: An owner of a regulated AST is required to provide written notice to the TNRCC of any changes or additional information concerning the status of any regulated tank, including, but not limited to, operational status condition, product stored, and ownership.

When filling an amended registration form, please mark the appropriate box in Section III. Notice must be filed with the Commission within 30 days from the date of occurrence or knowledge of the status change.

AST Fees: An annual fee of $25.00 is imposed for each tank regulated under this program. Fees shall be paid by the owner of the tank. Please do not send the fee with this registration form, you will be sent an annual bill for the fees owed.

Penalties: Any owner who knowingly fails to register their ASTs or submits false information may be subject to a civil penalty not to exceed $10,000 per day for each violation.

If you have questions on how to fill out this form or about the PST program, please contact us at 512/239-2160.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.
### TNRCC- AST REGISTRATION FORM

#### VII. DESCRIPTION OF ABOVEGROUND STORAGE TANKS

<table>
<thead>
<tr>
<th>Tank ID (e.g. 1,2,3 or A, B, C)</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tank Installation Date (Month/day/year)</td>
<td>11/18/02</td>
<td>11/18/02</td>
<td>11/11</td>
<td></td>
</tr>
<tr>
<td>Tank Capacity (U.S. gallons)(must be &gt;1100 gallons)</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank Status 1-In Use (includes tanks that are inactive but contain product)</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
</tr>
<tr>
<td>2-Out of Use (tanks that are inactive and do not contain product). Indicate date taken out of use (mo/day/yr).</td>
<td>2-__/____</td>
<td>2-__/____</td>
<td>2-__/____</td>
<td>2-__/____</td>
</tr>
</tbody>
</table>

**Product Stored** Mark one

<table>
<thead>
<tr>
<th>Mark one</th>
<th>1-Gasoline</th>
<th>2-Diesel</th>
<th>3-Kerosene</th>
<th>4-Alcohol Blended Fuels</th>
<th>5-Aviation Gasoline</th>
<th>6-Distillate Fuel Oil</th>
<th>7-Other (please specify)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark one</td>
<td>1-Gasoline</td>
<td>2-Diesel</td>
<td>3-Kerosene</td>
<td>4-Alcohol Blended Fuels</td>
<td>5-Aviation Gasoline</td>
<td>6-Distillate Fuel Oil</td>
<td>7-Other (please specify)</td>
</tr>
<tr>
<td>1-Gasoline</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td></td>
</tr>
<tr>
<td>2-Diesel</td>
<td>2-</td>
<td>2-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td></td>
</tr>
<tr>
<td>3-Kerosene</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td></td>
</tr>
<tr>
<td>4-Alcohol Blended Fuels</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td></td>
</tr>
<tr>
<td>5-Aviation Gasoline</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td></td>
</tr>
<tr>
<td>6-Distillate Fuel Oil</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td></td>
</tr>
<tr>
<td>7-Other (please specify)</td>
<td>7-</td>
<td>7-</td>
<td>7-</td>
<td>7-</td>
<td>7-</td>
<td>7-</td>
<td></td>
</tr>
</tbody>
</table>

**Material of Construction** Mark one

<table>
<thead>
<tr>
<th>Mark one</th>
<th>1-Steel</th>
<th>2-Fiberglass</th>
<th>3-Aluminum</th>
<th>4-Corrugated Metal</th>
<th>5-Concrete</th>
<th>6-Other (please specify)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark one</td>
<td>1-Steel</td>
<td>2-Fiberglass</td>
<td>3-Aluminum</td>
<td>4-Corrugated Metal</td>
<td>5-Concrete</td>
<td>6-Other (please specify)</td>
</tr>
<tr>
<td>1-Steel</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
</tr>
<tr>
<td>2-Fiberglass</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
</tr>
<tr>
<td>3-Aluminum</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
</tr>
<tr>
<td>4-Corrugated Metal</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
</tr>
<tr>
<td>5-Concrete</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
</tr>
<tr>
<td>6-Other (please specify)</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
<td>6-</td>
</tr>
</tbody>
</table>

**Containment Mark all that apply**

<table>
<thead>
<tr>
<th>Mark all that apply</th>
<th>1-Earthen Dike</th>
<th>2-Containment Liner</th>
<th>3-Concrete</th>
<th>4-None</th>
<th>5-Other (please specify)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark all that apply</td>
<td>1-Earthen Dike</td>
<td>2-Containment Liner</td>
<td>3-Concrete</td>
<td>4-None</td>
<td>5-Other (please specify)</td>
</tr>
<tr>
<td>1-Earthen Dike</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
<td>1-</td>
</tr>
<tr>
<td>2-Containment Liner</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
<td>2-</td>
</tr>
<tr>
<td>3-Concrete</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
<td>3-</td>
</tr>
<tr>
<td>4-None</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
<td>4-</td>
</tr>
<tr>
<td>5-Other (please specify)</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
<td>5-</td>
</tr>
</tbody>
</table>

**Stage I/Stage 2 Vapor Recovery (Mark all that apply)**

<table>
<thead>
<tr>
<th>Mark all that apply</th>
<th>1-Stage I (AST to tanker truck): Installation date:</th>
<th>2-Stage II (vehicle to AST): Installation date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark all that apply</td>
<td>1-Stage I (AST to tanker truck): Installation date:</td>
<td>2-Stage II (vehicle to AST): Installation date:</td>
</tr>
<tr>
<td>1-Stage I (AST to tanker truck): Installation date:</td>
<td>1-__/____</td>
<td>1-__/____</td>
</tr>
<tr>
<td>Type: 1a-Stage I two-point system</td>
<td>1a-</td>
<td>1a-</td>
</tr>
<tr>
<td>1b-Stage I coaxial system</td>
<td>1b-</td>
<td>1b-</td>
</tr>
<tr>
<td>Exempt by: 1c-TNRCC Rule*</td>
<td>1c-</td>
<td>1c-</td>
</tr>
<tr>
<td>2-Stage II (vehicle to AST): Installation date:</td>
<td>2-__/____</td>
<td>2-__/____</td>
</tr>
<tr>
<td>Type: 2a-Stage II balance system</td>
<td>2a-</td>
<td>2a-</td>
</tr>
<tr>
<td>2b-Stage II assist system</td>
<td>2b-</td>
<td>2b-</td>
</tr>
<tr>
<td>Exempt by: 2c-TNRCC Rule*</td>
<td>2c-</td>
<td>2c-</td>
</tr>
</tbody>
</table>

* **STAGE I/STAGE II VAPOR RECOVERY** - Please indicate whether your system has Stage I and/or Stage II vapor recovery equipment and the installation date of the equipment. Applicable requirements may be found in 30 TAC, §§115.221-229 and §§115.241-249. If your AST system is not located in a non-attainment county or one of the 95 covered attainment counties, completion of this section is not necessary. For a complete list of covered attainment counties, please refer to 30 TAC, §§115.10.

1. **Stage I** - system used to capture vapors from the AST during deliveries. Stage I is required in non-attainment counties and in the 95 covered attainment counties if throughput is greater than 125,000 gallons.
2. **Stage II** - system used to capture vapors from vehicle fuel tanks during refueling. Stage II is required only in the 16 non-attainment counties. The counties are: Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller.

If you have questions on how to fill out this form or about the PST program, please contact us at 512/239-2160.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

***MAKE A COPY OF FORM FOR YOUR RECORDS***
# TNRCC - UNDERGROUND STORAGE TANK REGISTRATION & SELF-CERTIFICATION FORM

**For Use in Texas**

**Texas Natural Resource Conservation Commission**

- Please mail completed form to:
  - Petroleum Storage Tank Registration Program (MC-138)
  - Texas Natural Resource Conservation Commission
  - P. O. Box 13087
  - Austin, Texas 78711-3087
  - (512) 239-2160

**TNRCC Facility ID No.:**

**A8677**

**TNRCC Owner ID No.:**

**13425**

**Tax ID No. (Optional):**

Please refer to accompanying instruction sheet while completing this form. For the filing of revised UST registration information not specifically related to UST compliance self-certification, TNRCC will not issue an amended Delivery Certificate.

## I. TANK OWNER INFORMATION

<table>
<thead>
<tr>
<th><strong>Tank Owner Name:</strong></th>
<th><strong>TYPE OF TANK OWNER:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L &amp; F Distributors</strong></td>
<td>□ Individual</td>
</tr>
<tr>
<td><strong>Owner Mailing Address:</strong></td>
<td>□ Corporation</td>
</tr>
<tr>
<td><strong>3900 N. McCall</strong></td>
<td>□ Federal Gov't</td>
</tr>
<tr>
<td><strong>City:</strong></td>
<td>□ State Gov't</td>
</tr>
<tr>
<td><strong>McAllen</strong></td>
<td>□ Local Gov't</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td><strong>Location of Records:</strong></td>
</tr>
<tr>
<td><strong>TX</strong></td>
<td>□ Onsite</td>
</tr>
<tr>
<td><strong>Zip Code:</strong></td>
<td>□ Offsite at:</td>
</tr>
<tr>
<td><strong>78501</strong></td>
<td><strong>Records Custodian/Contact Person:</strong></td>
</tr>
</tbody>
</table>

**Title:**

**Telephone No.:**

**Greg Lamantia**

**956-1682-2281**

## II. FACILITY INFORMATION

<table>
<thead>
<tr>
<th><strong>Facility Name:</strong></th>
<th><strong>TYPE OF FACILITY:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L &amp; F Distributors</strong></td>
<td>□ Retail</td>
</tr>
<tr>
<td><strong>Physical Address:</strong></td>
<td>□ Farm or Residential</td>
</tr>
<tr>
<td><strong>3900 N. McCall</strong></td>
<td>□ Wholesale</td>
</tr>
<tr>
<td><strong>City:</strong></td>
<td>□ Fleet Refueling</td>
</tr>
<tr>
<td><strong>McAllen</strong></td>
<td>□ Aircraft Refueling</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td>□ Indian Land</td>
</tr>
<tr>
<td><strong>TX</strong></td>
<td>□ Indust./Mfg./Chem. Plant</td>
</tr>
<tr>
<td><strong>Zip Code:</strong></td>
<td>□ Watercraft Fueling</td>
</tr>
<tr>
<td><strong>78501</strong></td>
<td><strong>Other (specify):</strong></td>
</tr>
<tr>
<td><strong>County:</strong></td>
<td><strong>Number of regulated USTs at this facility:</strong></td>
</tr>
<tr>
<td><strong>Hidalgo</strong></td>
<td><strong>Number of regulated ASTs at this facility:</strong></td>
</tr>
</tbody>
</table>

**On-Site Contact Person:**

**Title:**

**Telephone No.:**

**Greg Lamantia**

**956-1682-2281**

## III. TANK OPERATOR INFORMATION

* "Operator" means any person in day-to-day control of, and having responsibility for, the daily operation of the UST system.

**TNRCC Operator ID No.:**

**(Assigned by TNRCC)**

<table>
<thead>
<tr>
<th><strong>Tank Operator Name:</strong></th>
<th><strong>TYPE OF TANK OPERATOR:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(DO NOT LIST EMPLOYEES OF OPERATOR)</strong></td>
<td>□ Individual</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
<td>□ Corporation</td>
</tr>
<tr>
<td><strong>City:</strong></td>
<td>□ Local Gov't</td>
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<tr>
<td><strong>State:</strong></td>
<td>□ Federal Gov't</td>
</tr>
<tr>
<td><strong>Zip Code:</strong></td>
<td>□ State Gov't</td>
</tr>
<tr>
<td><strong>County:</strong></td>
<td>□ Other (specify):</td>
</tr>
</tbody>
</table>

**Operator's Authorized Representative:**

**Title:**

**Telephone No.:**

**Greg Lamantia**

**956-1682-2281**

**Date listed person became operator:**

/ / /

## IV. REASON FOR THIS FILING

### PART A). UST REGISTRATION INFORMATION

*Mark all that apply:*

1. □ Initial Registration  
2. □ UST Ownership Change (New Owner indicate effective date): / / /
3. □ Amendment of:
   - □ Owner Information
   - □ Operator Information
   - □ Facility Information
   - □ UST System Information
   - □ Financial Assurance Information
4. □ Other (specify):

**Note:** Please refer to the instruction sheet for assistance in completing Part A.

### PART B). UST COMPLIANCE SELF-CERTIFICATION INFORMATION

*Mark all that apply:*

1. □ Initial Certification at Facility (Including Tank Ownership Change)
2. □ New Tank at Facility
3. □ Annual Renewal
4. □ Other (specify):

**Note:** Please refer to the instruction sheet for assistance in completing Part B.
V. SELF-CERTIFICATION OF COMPLIANCE WITH UST REQUIREMENTS

Important: Completion of this section is required before TNRCC issues a UST Delivery Certificate. Delivery of regulated substances into regulated USTs is prohibited by state law unless a valid, current Delivery Certificate is available and/or displayed at the UST facility. Any responses marked "NO," or any incomplete submittal, will result in non-issuance of a Delivery Certificate for this facility. For non-motor fuel UST systems, certification requirements are effective under the schedule in §334.8 (c)(2).

* INDICATE RESPONSES TO EACH QUESTION BY MARKING X IN THE APPROPRIATE SPACE AT THE RIGHT.

**REGISTRATION**
- For the regulated UST systems at this facility which are indicated below, is the registration information filed with the TNRCC pursuant to §334.7 of TNRCC rules (including information in this filing) complete, accurate, & up-to-date?

**FACILITY FEES**
- For the regulated UST systems at this facility which are indicated below, have all facility fees billed to date to the current owner been paid in full (i.e., annual fees plus all late fees, penalties, & interest)? (Does not apply to common carrier railroads)

**FINANCIAL ASSURANCE**
- For the regulated UST systems at this facility which are indicated below, does Financial Assurance coverage meet TNRCC requirements, as described in Chapter 37 Subchapter I of TNRCC rules, for first-party corrective action, third-party bodily-injury, and third-party property damage in the event of a petroleum release from these UST systems?

**TECHNICAL STANDARDS**
- For the regulated UST systems at this facility which are indicated below, are all systems in compliance with technical standards, as described in TNRCC rules in §334.49 (relating to Corrosion Protection), §334.50 (relating to Release Detection), §334.51 (relating to Spill and Overfill Prevention and Control) and §334.43 (relating to Variances and Alternative Procedures) if a written variance to all or part of the requirements of §334.49, §334.50, or §334.51 has been granted by the TNRCC?

---

I am certifying that the following UST systems at this facility are in compliance: Tank ID #s ____________________________ as numbered on Pages 3 and 4 of this form. If certifying more UST systems, please list additional ID #s on an attached page.

VI. TANK OWNER/OPERATOR SELF-CERTIFICATION

I hereby certify under penalty of law the following:
- I am the (mark one): ☐ owner □ operator □ legally-authorized representative of the owner □ legally-authorized representative of the operator of the regulated underground storage tank (UST) systems at this facility; AND
- I have personally examined and am familiar with the information included in Sections I through V, AND
- Based on my current knowledge and understanding, the submitted information is true, accurate, and complete; AND
- I understand that any person who intentionally or knowingly submits false information on this form is subject to criminal prosecution.

PRINTED NAME OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE)

SIGNATURE OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE)

DATE OF SIGNATURE (PLEASE PRINT)

---

VII. TANK OWNER/OPERATOR REGISTRATION

I hereby represent the following:
- I am the (mark one): ☐ owner □ operator □ legally-authorized representative of the owner □ legally-authorized representative of the operator of the regulated underground storage tank (UST) systems at this facility; AND
- I have personally examined and am familiar with the information included in Sections I through V, and Sections IX - XI; AND
- Based on my current knowledge and understanding, the submitted information is true, accurate, and complete; AND
- I understand that any person who intentionally or knowingly submits false information on this form is subject to criminal prosecution.

PRINTED NAME OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE)

SIGNATURE OF OWNER/OPERATOR (OR AUTHORIZED REPRESENTATIVE)

DATE OF SIGNATURE (PLEASE PRINT)

---

VIII. INSTALLER/ON-SITE SUPERVISOR CERTIFICATION

NOTE: This section must be completed and signed by the Installer or On-Site Supervisor. Leave blank if no tank or underground line installation activity is involved.

Was tank and/or line testing completed during and after installation? ☐ Yes ☐ No

DATE(S) INSTALLATION ACTIVITIES PERFORMED:

CONTRACTOR (COMPANY OR FIRM):

TNRCC CRP No.:

CRP:

INDIVIDUAL INSTALLER/ON-SITE SUPERVISOR:

TNRCC ILP No.:

CRP:

* I hereby certify that the information provided concerning recent installations were conducted by me or under my direct supervision, that I am familiar with the TNRCC requirements applicable to such activities, and that to the best of my knowledge and belief such activities were performed in conformance with applicable TNRCC UST regulations.

* SIGNATURE OF INSTALLER/SUPERVISOR:

DATE OF SIGNATURE

---

TNRCC-0724 (Rev 06-01-00)
PST Rules are located in Title 30 TAC, Chapter 334
**IX. FINANCIAL ASSURANCE INFORMATION**

Financial Assurance (Petroleum USTs only)
Does this facility meet Financial Assurance (FA) requirements for: 1st party corrective action? □ Yes □ No
3rd party bodily injury/property damage liability? □ Yes □ No
If YES, identify FA mechanism(s): □ Letter of credit □ Guarantee □ Trust fund □ Financial test □ Insurance (or risk retention group) □ Surety bond □ Local Gov. fin. test □ Local Gov. bond rating test □ Local Gov. guarantee □ Local Gov. fund

Mechanisms available only for local governments (e.g., counties, municipalities, and special districts).

Information pertaining to the financial assurance mechanism(s) used to demonstrate financial assurance under Chapter 37, Subchapter I of Title 30, Texas Administrative Code is as follows:

| Name of Issuer: | Address of Issuer: | Phone # of Issuer: | Type of Mechanism and Identifying #:
|-----------------|-------------------|-------------------|-----------------------------------------------|
| Coverage period | Coverage Amount for Corrective Action | Coverage Amount for Third Party Liability | **For questions regarding Financial Assurance, call the Financial Assurance Section at (512) 239-0300**
| Beginning:      | $                 | $                 |                                               |
| Ending:         |                   |                   |                                               |

**Important:** The information in the following sections regarding the UST system(s) at this facility must be properly completed in sufficient detail to support registration. UST owners & operators are encouraged to examine their UST records and/or consult with their UST equipment installers, service technicians, and/or insurance providers to ensure that this information is accurate and complete.

**X. TANK IDENTIFICATION/DESCRIPTION**

Tank Identification Number each tank compartment at your site consistent with Rule 334.8(c)(5)(C).
Tank Installation Date (Month/day/year)
Tank Capacity (in U.S. gallons)
Tank Status (Mark One & Indicate Date)
1-Currintly in Use 2-Temporarily out of service (date)
- Meets TNRCC Definition of Empty? - Yes or No
3-Perm. filled in place w/ sand, concrete, etc. (date)
4-Permanently removed from the ground (date)

<table>
<thead>
<tr>
<th>Current/Last Substance Stored (Mark 1 per compartment)</th>
<th>1-Gasoline</th>
<th>2-Diesel</th>
<th>3-Kerosene</th>
<th>4-Used Oil</th>
<th>5-New Oil</th>
<th>6-Other Petroleum Substance (specify)</th>
<th>7a-CERCLA Hazardous Substance (specify)</th>
<th>7b-Chemical Abstract Service (CAS) No</th>
<th>7c-Regulated Substances Mixture (specify)</th>
<th>8-Petroleum/Non-Hazardous Substances Mixture (specify)</th>
<th>9-Other (specify)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
<td>1-yes No</td>
</tr>
<tr>
<td>2-yes No</td>
<td>2-yes No</td>
<td>2-yes No</td>
<td>2-yes No</td>
<td>2-yes No</td>
<td>2-yes No</td>
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<tr>
<td>3-yes No</td>
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<td>3-yes No</td>
</tr>
<tr>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
<td>4-yes No</td>
</tr>
</tbody>
</table>

**XI. UST SYSTEM TECHNICAL INFORMATION**

Tank & Piping Design (Mark One)
1-Single-Wall 2-Double-Wall

External Containment (Mark all that apply)
3-Factory-Built Nonmetallic Jacket
4a-Synthetic Tank/Spill/Piping-Trench Liner
4b-Tank Vault/Rigid Trench Liner

Type of Piping (Mark One)
5a-Pressurized
5b-Suction
5c-Gravity

Tank Internal Protection
6-Internal Tank Lining (Indicate date)
6-_______

**TNRCC- UST REGISTRATION & SELF-CERTIFICATION FORM**

TNRCC-0724 (Rev. 06-01-00)
PST Rates are located in Title 30 TAC, Chapter 334
### XI. UST SYSTEM TECHNICAL INFORMATION - continued from page 3

<table>
<thead>
<tr>
<th>Tank Identification (e.g., 1, 2, 3, 4, etc.)</th>
<th>Tank &amp; Piping Materials (Mark all that apply)</th>
<th>Tank &amp; Piping Corrosion Protection (Mark all that apply)</th>
<th>Tank &amp; Piping Release Detection (Mark all that apply)</th>
<th>Tank &amp; Piping Overfill Prevention Equipment</th>
<th>Stage 1/Stage 2 Vapor Recovery (Mark all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Steel</td>
<td>1. Steel</td>
<td>1-External dielectric coating/laminate/tape/unwrap</td>
<td>1-External vapor/tracer monitoring</td>
<td>1- Tight-fitting</td>
<td>1-Stage I (UST to tanker truck): Installation date:</td>
</tr>
<tr>
<td>2-FRP (fiberglass-reinforced plastic)</td>
<td>2- FRP</td>
<td>2-External groundwater monitoring</td>
<td>2-External groundwater monitoring</td>
<td>2-Factory-built spill container/bucket/sump</td>
<td><strong>Type:</strong> 1a-Stage 1 two-point system</td>
</tr>
<tr>
<td>3-Composite tank (steel w/external FPP cladding)</td>
<td>3- Composite</td>
<td>3-Monitoring of secondary containment barrier</td>
<td>3-Monitoring of secondary containment barrier</td>
<td>3a-Delivery shut-off valve (set @ 98% capacity)</td>
<td><strong>1b-Stage 1 coaxial system</strong></td>
</tr>
<tr>
<td>4-Concrete</td>
<td>4- Concrete</td>
<td>4-Automatic tank gauge test &amp; inv control</td>
<td>4-Automatic tank gauge test &amp; inv control</td>
<td>3b-Flow restrictor, e.g., vent ball-float (set @ 90% cap)</td>
<td><strong>Exempt by:</strong> 1c-TNRRCC Rule*</td>
</tr>
<tr>
<td>5a-Jacketed (steel w/external nonmetallic jacket)</td>
<td>5a- Jacketed</td>
<td>5-Interstitial monitoring within secondary wall/jacket</td>
<td>5-Interstitial monitoring within secondary wall/jacket</td>
<td>3c-Alarm (set @ &lt;90%), w/3a or 7b (set @ &lt;98% cap)</td>
<td><strong>2-Stage II (vehicle to UST): Installation date:</strong></td>
</tr>
<tr>
<td>5b-Coated (steel w/external polyurethane cladding)</td>
<td>5b- Coated</td>
<td>6-Monthly piping tightness test (@ 0.2 gph)</td>
<td>6-Monthly piping tightness test (@ 0.2 gph)</td>
<td>4-N/A - All deliveries to tank are &lt; 25 gal. each</td>
<td><strong>Type:</strong> 2a-Stage II balance system</td>
</tr>
<tr>
<td>5c-Nonmetallic flexible piping</td>
<td>5c- Flexible</td>
<td>6b-Annual piping tightness test (@ 0.1gph)</td>
<td>6b-Annual piping tightness test (@ 0.1gph)</td>
<td>4 - <strong>N/A</strong> -</td>
<td><strong>2b-Stage II assist system</strong></td>
</tr>
<tr>
<td>5d-Other (specify)</td>
<td>5d- Other</td>
<td>6c-Triennial tightness test (for suction/gravity piping)</td>
<td>6c-Triennial tightness test (for suction/gravity piping)</td>
<td>4-D. Auto. line leak detector (3.0gph for pressure piping)</td>
<td><strong>Exempt by:</strong> 2c-TNRRCC Rule*</td>
</tr>
<tr>
<td>6-Shear/Impact Valves (under dispensers)</td>
<td>6-Shear/Impact</td>
<td>7-Monthly tank gauging (for emer. generator tanks)</td>
<td>7-Monthly tank gauging (for emer. generator tanks)</td>
<td>7b-Monthly tank gauging (for emer. generator tanks)</td>
<td><strong>9-</strong></td>
</tr>
<tr>
<td>7-Steel swing-joints (at ends of piping)</td>
<td>7-Steel swing-joints</td>
<td>8-Flexible connectors (at ends of piping)</td>
<td>8-Flexible connectors (at ends of piping)</td>
<td>8-N/A</td>
<td><strong>SIR-Statistical Inventory Reconciliation &amp; inv control</strong></td>
</tr>
<tr>
<td>8-Flexible connectors (at ends of piping)</td>
<td>8-N/A</td>
<td></td>
<td></td>
<td>8-N/A</td>
<td><strong>9-</strong></td>
</tr>
<tr>
<td>Tank/Piping Corrosion Protection (Mark all that apply)</td>
<td>Tank/Piping Corrosion Protection (Mark all that apply)</td>
<td>Tank/Piping Corrosion Protection (Mark all that apply)</td>
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<td><strong>9-</strong></td>
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<td>Tank/Piping Corrosion Protection (Mark all that apply)</td>
<td><strong>9-</strong></td>
</tr>
</tbody>
</table>

***FOR ASSISTANCE WITH THIS FORM, PLEASE READ THE INSTRUCT ON SHEET***

TNRCC-0724 (Rev. 06-01-00)  

PST Rules are located in Title 30 TAC, Chapter 334
Texas Natural Resource Conservation Commission

Protecting Texas by Reducing and Preventing Pollution

May 17, 2001

GREG LAMANTIA
L & F DISTRIBUTORS
3900 N MCCOLL
MCALLLEN TX 78501

Re: UST/AST removal at L & F DISTRIBUTORS, 3900 N MCCOLL, MCALLEN, TX. Activity scheduled on 06/11/2001; TNRCC PST Facility No. 0028077; Notification received by TNRCC on 05/09/2001.

DEAR MR. LAMANITA:

This letter acknowledges receipt by the Texas Natural Resource Conservation Commission (TNRCC) of notification for the referenced underground storage tank (UST) construction activity, as required by 30 TAC §334.6.

This letter does not constitute an official approval, permit or endorsement for the referenced activity or for any associated construction methods or equipment. A copy of your notification has been sent to the TNRCC regional office indicated below. The time and scope of this activity must be confirmed with the regional UST personnel 24 to 72 hours before the activity in order to arrange an inspection. Any rescheduling of the proposed construction must be coordinated and/or approved by authorized regional personnel.

Technical requirements which apply to various UST construction activities are included in 30 TAC §334, Subchapter C. Also, all UST installations, repairs, and removals must be conducted by a registered UST contractor who has a licensed installer or on-site supervisor at the site during all critical junctures, as required by 30 TAC Chapter 334, Subchapter I.

This letter also serves as a temporary delivery certificate to allow initial deliveries into any new or replacement UST system. This temporary delivery certificate is valid for no more than 90 days after the first delivery of regulated substances into the new or replacement UST system, after which a permanent TNRCC-issued delivery certificate must be posted or available at the UST facility.

Upon completion of construction, the attached UST Registration and Self-Certification form must be completed and returned to the referenced address on the form. For further assistance, please contact the PST Registration Team, at (512)239-2001, or the TNRCC regional UST personnel indicated below.

Sincerely,

Nancy Lara
Registration Coordinator
Registration, Review, and Reporting Division

Enclosures: TNRCC UST Registration & Self-Certification Form
M10509009/late

Regional Representative: Region 15, PST Team, (956)425-6010.
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
UNDERGROUND & ABOVEGROUND STORAGE TANK
CONSTRUCTION NOTIFICATION FORM

☐ Underground Storage Tank (UST) ☐ Aboveground Storage Tank (AST)

☐ Stage I ☐ Stage II (Vapor Recovery) CARB Order # ________________

TYPE OF CONSTRUCTION: (Indicate all that apply)

☐ Installation ☐ Replacement ☐ Improvement

☐ Removal ☐ Abandonment ☐ Other (Specify) __________________________

FACILITY LOCATION INFORMATION:

Facility Name: L&F Distributors

Address/Location: 3900 N. McComb Rd.

County: Hidalgo City: McAllen

Facility id.: 28027

Telephone: 956-687-7751

OWNER INFORMATION:

Owner: L&F Distributors

Representative: Greg Lamanita

Address: 3900 N. McComb

City/State/Zip: McAllen, TX 78501

Telephone: 956-687-7751

CONTRACTOR INFORMATION:

Company: PETROLEUM SOLUTIONS, INC.

Representative: MARK BARRON

Address: P.O. Box 3346

City/State/Zip: McAllen, TX 78502

Telephone: 956-684-9582

CRP#: 000821 ILP#: 000748

CONSULTANT INFORMATION:

Company: __________________________ Representative: __________________________

Address: __________________________ City/State/Zip: __________________________

Telephone: __________________________

GENERAL DESCRIPTION OF PROPOSED UST/AST ACTIVITY:

REMOVe (9) EFP USTS AND ASSOCIATED PIPING.

SCHEDULED DATES FOR PROPOSED CONSTRUCTION: 6-11-01

SUBMITTED BY: (Signature) __________________________ DATE: 5-7-01

Title & Company: President, PETROLEUM SOLUTIONS, INC.

MAIL COMPLETED FORM TO:
Texas Natural Resource Conservation Commission
Petroleum Storage Tank Division
MC-135
P.O. Box 13087
Austin, TX 78711-3087

TNRCC STAFF USE ONLY
Date Rec'd: 5-9-01
Region: 15
Remarks: Rem l Date
Tracking #: M16569009
Logged By: ___
I. OWNER INFORMATION

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Facility Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F DISTRIBUTORS</td>
<td>L &amp; F DISTRIBUTORS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Facility Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>3900 NORTH MCCOLL</td>
<td>3900 NORTH MCCOLL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCALLEN</td>
<td>TX</td>
<td>78501-</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>County</th>
<th>Contact Person</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIDALGO</td>
<td>GREG LAMANTIA</td>
<td>(956) 687-7751</td>
</tr>
</tbody>
</table>

II. FACILITY INFORMATION

<table>
<thead>
<tr>
<th>TYPE OF OWNER</th>
<th>TYPE OF FACILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government</td>
<td>Farm or Residential</td>
</tr>
<tr>
<td>Federal Government</td>
<td>Fleet Refueling</td>
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<tr>
<td></td>
<td>Other (please specify)</td>
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<table>
<thead>
<tr>
<th>Location of Records (if off-site)</th>
<th>Number of aboveground Storage tanks at this facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applied Petroleum Technologies / 2935 Cactus Road</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County</th>
<th>Contact Person</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIDALGO</td>
<td>GREG LAMANTIA</td>
<td>(956) 687-7751</td>
</tr>
</tbody>
</table>

III. REGISTRATION STATUS

<table>
<thead>
<tr>
<th>REASON FOR SUBMITTING FOR (Mark all that apply)</th>
<th>TANKS CHANGED TO TEMP OUT OF SERVICE STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Form</td>
<td>Ownership change (effective date)</td>
</tr>
<tr>
<td>Facility Information Update</td>
<td>Tank Information Update (please complete back side of form)</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td></td>
</tr>
</tbody>
</table>

IV. FINANCIAL RESPONSIBILITY

<table>
<thead>
<tr>
<th>Does this facility meet financial responsibility requirements for corrective action?</th>
<th>Does this facility meet 3rd party liability requirements?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

If yes, please specify mechanism (Mark all that apply):

- Letter of Credit
- Trust Fund
- Insurance or Risk Retention Group
- PST Remediation Fund
- Standby Trust Fund
- Guarantee
- Financial Test
- Surety Bond
- Bond Rating Test
- Local Gov. Fund

*Only an acceptable mechanism for Financial Assurance until September 1, 2001. **For local government only.

V. INSTALLER CERTIFICATION

NOTE: This section must be completed and signed by the installation. Leave blank if no tank installation activity is involved.

I certify that the information provided concerning recent installations is true to the best of my belief and knowledge:

Was tank testing completed during and after installation? Yes No

Installation Company Name (print) | Applied Petroleum Technologies
Installers Name (print) | JESUS IBARRA
Installation Signature | Lewis Olmeda
Contractor's Registration Number | 000816
Installer's License Number | Date Signed | 09/29/2000

VI. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Owner or Owner's Authorized Representative (print): GREG LAMANTIA
Title: (print) | MANAGER
Signature | Date Signed

TNRCC-0724 (Rev. 08-01-95)

PST Rules are located in Title 30n TAC, Chapter 334
## VII DESC OF UNDERGROUND STORAGE TANKS (UST) (A, B, C) & F DISTRIBUTORS

### TANK STATUS
- **Tank ID (e.g., 1, 2, 3, or A, B, C)**
- **L & F DISTRIBUTORS**

#### Tank Information:
- **Date of Maturity (month/day/year)**
- **Capacity (gallons)**
- **Status**
  1. **Currently In Use**
  2. **Temporarily Out of Service** (date)
  3. **Permanently Abandoned In-Place** (date)
  4. **Permanently Removed from the Ground** (date)

### SUBSTANCE STORED
1. **Gasoline**
2. **Diesel**
3. **Kerosene**
4. **Other Petroleum Substance (please specify)**
5. **Hazardous Substance**
   - **Name of Principal CERCLA Substance**
   - **Chemical Abstract Service (CAS) No.**
   - **Mixture of Hazardous Substances**
   - **Mixture of Petroleum Hazardous Substance (please specify)**
6. **Other (please specify)**

### UST CONSTRUCTION AND CONTAINMENT
1. **Single Wall** (Mark all that apply)
2. **Double Wall**
3. **External Jacket System**
4. **Excavation/Trench Liner System**
5. **Piping System**
   - **Pressurized**
   - **Suction**
   - **Gravity**
6. **Other (please specify)**

### MATERIAL OF CONSTRUCTION
1. **Steel**
2. **Fiberglass-Reinforced Plastic (FRP)**
3. **Composite (steel w/FRP laminate)**
4. **Concrete**
5. **Other (please specify)**

### RELEASE DETECTION
1. **Vapor Monitoring** (Mark all that apply)
2. **Groundwater**
3. **Monitoring Above Excavation Liner**
4. **Automatic In-Tank Monitor and Inventory Control**
5. **Intersitial Monitoring for Double Wall UST's**
6. **Tightness Testing**
7. **Inventory Control**
8. **Statistical Inventory Reconciliation (SIR)**
9. **None**
10. **Line Leak Detectors**
11. **Other (please specify)**

### CORROSION PROTECTION
1. **External Dielectric** (Mark all that apply)
   - **Coating/Laminate/Scrubber/Field**
2. **Cathodic Protection - Installation Factory Field**
3. **Composite Tank (steel w/FRP cladding)**
4. **Noncorrosive Material (e.g., FRP)**
5. **Electrical Isolation**
6. **None**
7. **Other (please specify)**

### SPILL AND OVERFLOW PREVENTION
1. ** Tight-Fill Fitting** (Mark all that apply)
2. **Spill Container/Liquid-Tight Sump**
3. **Automatic Overfill Device**
   - **Shut-Off Valve**
   - **Flow Restrictor Valve**
   - **Alarm with a. or b.**
4. **None**

---

*Indicate VAPOR RECOVERY EQUIPMENT STATUS if gasoline is stored and dispensed at this facility, and if facility is located in an ozone nonattainment area.*
I. OWNER INFORMATION

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tbody>
<tr>
<td>Owner Name</td>
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<tr>
<td>Mailing Address</td>
<td>Same</td>
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<td>City</td>
<td>Same</td>
</tr>
<tr>
<td>County</td>
<td>Same</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Same</td>
</tr>
<tr>
<td>Telephone</td>
<td>( )</td>
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II. FACILITY INFORMATION

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tbody>
<tr>
<td>Facility Name</td>
<td>LEF Distributors</td>
</tr>
<tr>
<td>Physical Address</td>
<td>3900 N McColl</td>
</tr>
<tr>
<td>City</td>
<td>McAllen</td>
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<tr>
<td>State</td>
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<tr>
<td>Zip Code</td>
<td>78502</td>
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<tr>
<td>County</td>
<td>Hidalgo</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Greg LaMantia</td>
</tr>
<tr>
<td>Telephone</td>
<td>(956) 687-7751</td>
</tr>
</tbody>
</table>

III. REGISTRATION STATUS

<table>
<thead>
<tr>
<th>Reason for Submitting Form (Mark all that apply)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Form</td>
<td></td>
</tr>
<tr>
<td>Facility Information Update</td>
<td>Tank Information Update (please complete back side of form)</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td></td>
</tr>
</tbody>
</table>

IV. FINANCIAL RESPONSIBILITY

Does this facility meet financial responsibility requirements for corrective action? No

Does this facility meet third party liability requirements? No

If yes, please specify mechanism (Mark all that apply)

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Credit</td>
<td></td>
</tr>
<tr>
<td>Trust Fund</td>
<td></td>
</tr>
<tr>
<td>Insurance or Risk Retention Group</td>
<td></td>
</tr>
<tr>
<td>PST Remediation Fund*</td>
<td></td>
</tr>
<tr>
<td>Surety Bond</td>
<td></td>
</tr>
<tr>
<td>Bond Rating Test**</td>
<td></td>
</tr>
<tr>
<td>Local Gov. Fund**</td>
<td></td>
</tr>
</tbody>
</table>

* Only an acceptable mechanism for financial assurance until September 1, 2001. ** For local government only.

V. INSTALLER CERTIFICATION

NOTE: This section must be completed and signed by the installer. Leave blank if no tank installation activity is involved.

I certify that the information provided concerning recent installations is true to the best of my belief and knowledge:

Was tank testing completed during and after installation? No

Installation Company Name (print) CRP

Installer's Name (print) ILP

Installer Signature Date Signed

VI. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Owner or Owner's Authorized Representative (print) Monica Mejia

Signature Date Signed 10/10/97

PST Rules are located in Title 30 TAC, Chapter 334
### VII. DESCRIPTION OF UNDERGROUND STORAGE TANKS (UST's)

<table>
<thead>
<tr>
<th>Tank ID (e.g. 1, 2, 3 or A, B, C)</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>

#### TANK STATUS
- **Tank Installation Date (month/day/year)**
- **Tank Capacity (gallons)**
  1. Currently in Use
  2. Temporarily Out of Service (date)
  3. Permanently Abandoned In-place (date)
  4. Permanently Removed from the Ground (date)

#### SUBSTANCE STORED
1. Gasoline
2. Diesel
3. Kerosene
4. Used Oil
5. New Oil
6. Other Petroleum Substance (please specify)
7. Hazardous Substance
   - Name of Principal CERCLA Substance
   - Chemical Abstract Service (CAS) No.
   - Mixture of Hazardous Substances (please specify)

#### UST CONSTRUCTION AND CONTAINMENT
1. Single Wall
2. Double Wall
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4. Excavation/Trench Liner System
5. Piping System:
   - Pressurized
   - Suction
   - Gravity
6. Other (please specify)

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1. Steel
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2. Groundwater Monitoring
3. Monitoring Above Excavation Liner
4. Automatic In-Tank Monitoring
5. Intersite Monitoring for Double Wall UST's
6. Tightness Testing
7. Inventory Control
8. Statistical Inventory Reconciliation (SIR)
9. None
10. Line Leak Detectors
11. Other (please specify)

#### CORROSION PROTECTION
1. External Dielectric
2. Cathodic Protection - Factory
3. Composite Tank (steel w/FRP cladding)
4. Noncorrodible Material (e.g., FRP)
5. Electrical Isolation
6. None
7. Other (please specify)

#### SPILL AND OVERFILL PREVENTION
1. Tight-Fill Fitting
2. Spill Container/Liquid-Tight Sump
3. Automatic Overfill Device:
   - Shut-Off Valve
   - Flow Restrictor Valve
   - Alarm with a. or b.
4. None

---

Indicate VAPOR RECOVERY EQUIPMENT STATUS if gasoline is stored and dispensed at this facility, and if facility is located in an ozone non attainment area:
- Stage II equipment installation date: / / (Yes/No)
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

Re: Enforcement Action: L & F Distributors;
    Facility: L & F Distributors, 3800 N. McColl Road, McAllen, Texas;
    Enforcement ID No.: E10979.

Dear Mr. LaMantia:

This letter is to inform you that a review of Texas Natural Resource Conservation Commission (TNRCC) records concerning the above-referenced enforcement matter indicates that L & F Distributors has fulfilled the requirements of the Agreed Order effective on September 26, 1995. Specifically, L & F Distributors has fulfilled the technical recommendations and paid the administrative penalty assessed in the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary with respect to this enforcement matter. Please be advised that an approved method of release detection is required for the operational life of the underground storage tank system located at this facility.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Mark D. Norman of my staff at (512) 239-2126.

Sincerely,

[Signature]
David W. Bower, Supervisor
PST Team, Waste Section
Enforcement Division

cc: Raymond C. Winter, Litigation Support Division, TNRCC
    Carlos Rubinstein, Region 15 Field Office, TNRCC
    Mark D. Norman, PST Team, Waste Section, Enforcement Division, TNRCC
SEPTEMBER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, TX 78501

4a. Article Number 32997

5. Signature (Addressed)

6. Signature (Agent)

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.
<table>
<thead>
<tr>
<th>Receipt #</th>
<th>Remitter</th>
<th>Pynt Type</th>
<th>Check Number</th>
<th>Id Number</th>
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<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>9642790</td>
<td>JAF DISTRIBUTORS LTD</td>
<td>CK</td>
<td>55900</td>
<td>PST/E10979</td>
<td>GR-COL WQ ACT VIOLATIONS</td>
<td></td>
<td>1,200.00</td>
</tr>
</tbody>
</table>

Division Total: 1,200.00
Financial Administration Division, Revenues
Attention: Cashier, MC214
Texas National Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088
October 2, 1995

Texas Natural Resource Conservation Commission

Protecting Texas by Reducing and Preventing Pollution

Greg LaMantia
L & F Distributors
3800 N. McCall Road
McAllen, TX 78501

RE: L & F DISTRIBUTORS; Docket No. 95-1214-PST-E; TNRCC Facility I.D. No. 28077; Enforcement I.D. No. E10979; Assessing administrative penalties & requiring certain actions

Enclosed is a certified copy of:

(✓) an enforcement order of the Commission determining substantial noncompliance, assessing administrative penalties, imposing stipulated penalties, and/or requiring certain actions, the details being more fully set out therein.

( ) an order cancelling a Commission permit. This cancellation is a memorandum of official action taken with respect to the permit and is notification that the permit is no longer in effect.

( ) an order dismissing an application for a Commission permit.

( ) an emergency order issued by the Commission. If applicable, please note the date and time at which the Commission will affirm, modify, or set aside the order.

( ) an order affirming, modifying or setting aside an emergency order of the Commission.

( ) an order approving construction of facilities.

( ) an order authorizing discharge of wastewater.

( ) an order regarding the above-referenced matter.

Should you have any questions, please contact us.

Sincerely,

Gloria A. Vasquez, Chief Clerk
GAV:ra

cc: TNRCC Region 15
    Raymond C. Winter, Staff Attorney, TNRCC
    Mark D. Norman, Enforcement Coordinator, TNRCC
09/20/95
95-1214-PST-E
1028077
ENFORCE
$1,200

COMMISSIONERS
Chief Clerk-Laurie Lancaster
   (Emergency; 15 copies)
General Counsel (Resolutions)
Public Interest Counsel
   (Subject to MFR)
Agency Communications/Media
   • Media Relations-Cora Gratten (Enf)
   • Admin Audits & Financial Assurance
     • Financial Assurance-Linda Shirk(HW,SWR)
     • Financial Assurance-Jane Carrion(MSW)
Financial Administration
   • Fees & Accounts Rec-Perry Walters (Enf)
   • FILE COPY
   • Records Services (ALL)
   • PC Engineering-Mary Mahaney (SPF)
   • WSM Sludge & Transporter Review
     - Paul Curtis (Sludge Transporter)
   • Environmental Training
     • Occupational Certification/
       Wastewater Operator-Bob Tintsman

TNRCC DISTRIBUTION

Water Well Drillers-Steve Wiley(WWD)
   • On-Site Wastewater-Joyce Birore
     (on-site sewage) (w/ltr)
   • Industrial & Hazardous Waste
     Enforcement-Janice Earley (HW,SWR Enf)
     Permits-Bob Brydson (HW,SWR,WDW) (No Enf)
     Permits-Dale Kohler (RW,UR,SU,WDW)
     Uranium & Radioactive Waste
       - James Givens (RW,UR)
   • Municipal Solid Waste
     Compliance & Enforcement-Mark Vickery(MSW)
     Permits - Lucy Rodriguez (MSW Permit Orders)
   • Petroleum Storage Tanks
     - Dan Neal (PST Reimbursements)
   • Watershed Management
     Enforcement-Darrell Williams (WSM)
     Enforcement-Mary Taylor
       (WQ Disposal/Discharge; No Enf)
     Permitting/Applications-Janet Wyman
       (WQ Orders affecting Permits-transfers,
        revocations,cancellations,dissmissals)

INTERAGENCY DISTRIBUTION
Texas Parks & Wildlife-Dave Buzan (WATER- WQ, WWD, etc.)
   • Texas Parks & Wildlife-Roxie Cantu (WASTE-CP,HW,MSW,PC,PST,RW,SU,SW,SWR,UR,WDW)(AIR)
   • Texas Water Development Board-Jan Beffort (ALL)
   • Railroad Commission (UR,SW,WDW) (w/ltr)

OTHER DISTRIBUTION
Bracewell & Patterson (Enf)
Peter Kopecek
Eco Resources (WQ Enf)
Ken Ebert
West Publishing Co. (Enf)
Amy Schaeffer

Environmental Protection Agency
   • Wilma Turner 6W-PS (WATER-WQ etc)(AIR)
   • Laurie King 6H-PT (WASTE-HW,etc.)
   • Shirley Workman 6H-HS (HW,SWR Enf)
   • 1445 Ross Avenue
   • Dallas, TX 75202

Baker & Botts (Enf)
Kim Montgomery
<table>
<thead>
<tr>
<th>Description</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Article Addressed to:</td>
<td>Greg LaMantia</td>
</tr>
<tr>
<td>L &amp; F Distributors</td>
<td>L &amp; F Distributors</td>
</tr>
<tr>
<td>3800 N. McCall Road</td>
<td>3800 N. McCall Road</td>
</tr>
<tr>
<td>McAllen, TX 78501</td>
<td>McAllen, TX 78501</td>
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<td>746 033 094</td>
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<tr>
<td>4b. Service Type</td>
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<td>-</td>
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<td>☐ Insured</td>
<td>-</td>
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<td>-</td>
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<tr>
<td>☐ Express Mail</td>
<td>-</td>
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<tr>
<td>☐ Return Receipt for Merchandise</td>
<td>-</td>
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<tr>
<td>7. Date of Delivery</td>
<td>10/5/95</td>
</tr>
<tr>
<td>8. Addressee's Address (Only if requested and fee is paid)</td>
<td>-</td>
</tr>
<tr>
<td>5. Signature (Addressee)</td>
<td>-</td>
</tr>
</tbody>
</table>

Receipt for Certified Mail

Greg LaMantia
L & F Distributors
3800 N. McCall Road
McAllen, TX 78501

Postage $ 
Certified Fee 
Special Delivery Fee 
Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered
Return Receipt Showing to Whom, Date, and Addressee's Address

TOTAL Postage & Fees $
Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, TX 78501

RE: L & F DISTRIBUTORS; Docket No. 95-1214-PST-E; TNRCC Facility I.D. No. 28077;
Enforcement I.D. No. E10979; Assessing administrative penalties & requiring certain actions

Enclosed is a certified copy of:

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( ) an order dismissing an application for a Commission permit.

( ) an emergency order issued by the Commission. If applicable, please note the date and
time at which the Commission will affirm, modify, or set aside the order.

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( ) an order approving construction of facilities.

( ) an order authorizing discharge of wastewater.

( ) an order regarding the above-referenced matter.

Should you have any questions, please contact us.

Sincerely,

Gloria A. Vasquez, Chief Clerk
GAV:ra

cc: TNRCC Region 15
Raymond C. Winter, Staff Attorney, TNRCC
Mark D. Norman, Enforcement Coordinator, TNRCC
DOCKET 95-1214-PST-E

AGREED ORDER

Resolving Violations by L & F Distributors under the Rules of the Texas Natural Resource Conservation Commission (TNRCC); Assessing Administrative Penalties and Requiring Certain Actions of L & F Distributors; TNRCC Facility ID No. 28077; Enforcement ID No. E10979.

On SEP 20 1995, came on to be considered by the Texas Natural Resource Conservation Commission ("TNRCC" or "Commission") the Agreement of the Parties, resolving violations of the rules of the TNRCC relating to underground storage tanks ("USTs"), requiring certain actions, and assessing administrative penalties. The entity made the subject of this enforcement matter is L & F Distributors, 3800 N. McColl Road, McAllen, Texas 78501.

After proper notice to L & F Distributors, the parties appeared and announced before the Commission that they had settled all matters in controversy and requested the Commission to enter this Agreed Order.

This Agreed Order is entered solely for the purpose of resolving the disputed claims between the Commission and L & F Distributors and is entered upon the recommendation of the Commission and L & F Distributors. In consenting to the entry of this Agreed Order, neither Party admits the allegations of the other Party. This Agreed Order may not be construed as evidence of any of the violations cited herein, either directly or indirectly; nor shall this Agreed Order be used in any way, either directly or indirectly, for any purpose, whenever and however arising, in any judicial or administrative proceeding, except a proceeding brought by the Executive Director to enforce the terms of this Order, or in an Enforcement Proceeding brought by the Executive Director pursuant to the Texas Water Code (the "Code"), §26.136, and §26.019.

L & F Distributors acknowledges that by entering this Agreed Order, L & F Distributors has waived the right to appeal this Order. Any disputes that may arise under the terms of this Order may only be appealed in accordance with §5.351 of the Code, following good faith efforts
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

to negotiate the dispute with the appropriate Deputy Directors of the Texas Natural Resource Conservation Commission.

It is understood and agreed by the Executive Director and L & F Distributors that accepting this Agreed Order does not, in any way, release L & F Distributors, any of its agents, assigns, employees, or any other person acting for or on behalf of L & F Distributors, from any criminal liability arising out of the violations this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Commission and L & F Distributors and upon their heirs, successors and assigns.

FINDINGS OF FACT

(1) At the time of the violation, L & F Distributors owned and operated two (2) USTs located at the L & F Distributors facility located at 3800 N. McColl Road in McAllen, Hidalgo County, Texas.

(2) L & F Distributors' USTs contained a regulated substance as defined in the Commission's rules. Further, the USTs were not exempt or excluded from regulation under the Commission's rules.

(3) On January 25, 1995, a representative from the Commission's Region 15 Field Office performed an inspection at the above-referenced facility and documented L & F Distributors' failure to conduct annual tank and piping tightness testing, to perform monthly reconciliation, and to take monthly tank water level readings.

CONCLUSIONS OF LAW

(1) L & F Distributors owned and operated USTs subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Supp. 1994) and the rules of the Commission.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

(2) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(1)(A) by failing to provide proper release detection for its UST system.

(3) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(2)(A) by failing to provide proper release detection for its pressurized product piping.


(5) Section 26.019 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code. Section 26.353 of the Code authorizes the Commission to issue orders to enforce Chapter 26 of the Code and the rules pertaining to the regulation of USTs in accordance with the procedures applicable to orders issued under §26.019 of the Code. Accordingly, the Commission orders L & F Distributors to implement the Technical Requirements included below to bring the facility into compliance with the Code and the rules of the Commission.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that L & F Distributors shall be assessed an administrative penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) for violations of the rules of the Commission. The imposition of this administrative penalty resolves only those matters described herein that occurred prior to the date of issuance of this Order, and the Commission shall not be constrained in any manner from considering any administrative penalties for violations of the Texas Water Code or the regulations or orders of the Commission occurring after the date this Order is signed or which are not raised herein. All checks rendered to pay penalties imposed by this Order shall be made out to "The State of Texas - General Revenue Fund." This penalty shall be paid within thirty (30) days of the issuance of this Order, and mailed to:

Financial Administration Division, Revenues
Attention: Cashier, MC214
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088

with the notation, "Re: L & F Distributors, PST Enforcement Order, E10979."
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVA-TION COMMISSION that L & F Distributors shall undertake certain actions as follow:

A. Immediately upon the issuance of the Commission Order, L & F Distributors shall ensure that it has applicable release detection methods in place, and further ensure that its release detection for the USTs and associated piping meets the technical standards required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30 days of the issuance of the Commission Order, L & F Distributors shall submit a written report documenting its compliance with 30 TAC §334.50.

B. Within 30 days of the issuance of the Commission Order, L & F Distributors shall pay all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure to Make Payment).

The documentation necessary to demonstrate compliance with Technical Requirement A above shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

The Executive Director may refer this matter to the Office of the Attorney General for further enforcement proceedings without notice to L & F Distributors if the Executive Director determines that L & F Distributors is noncompliant with the requirements set forth in this Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date: SEP 26 1995

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

For the Commission

ATTEST:

Gloria A. Vasquez, Chief Clerk
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

DOCKET 95-1214-PST-E

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

[Signature]

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

[Signature]

Kevin McCalla
Acting Deputy Director
Office of Legal
Texas Natural Resource Conservation Commission
DOCKET NUMBER: 95-1214-PST-E
TYPE (ENF, HEARING, ETC.): 
PROGRAM AREA (AIR, MSW, PST, ETC. - SEE LIST): 
ENTITY: L & F Distributors
PERMIT #: E10979
CONTACT: Hidalgo Mark Norman
DOCKET DATE: 
AGENDA DATE (IF ANY): 9/12/95
COUNTY: Hidalgo
COMMENTS: 

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

PREPARED BY: Anita Custer
DATE: 9/1/95

BRING BY OR SEND TO: DOCKET CLERK, BUILDING F, 4TH FLOOR, ROOM 4201
OR E-MAIL TO: SOESTRIC
PHONE: 239-3331  FAX: 239-3311
MAILING LIST/ENFORCEMENT SUMMARY:
DOCKET NO.: 95-1214-PST-E

Agenda Date: September 20, 1995
Name of Matter: L & F Distributors
PST Facility ID No.: 28077
Type of Matter: PST
Administrative Penalties:
  Total Assessed: $1200
  Amount Deferred: NA
  Amount Waived: NA
  Stipulated Penalties: Yes
  Comments: NA
TNRCC Region Number: 15
Staff Attorney & Phone Number: Raymond C. Winter, (512) 239-0600
Enforcement Coordinator & Phone Number: Mark D. Norman, (512) 239-2126
Technician/Engineer & Phone Number: Gregory Goode, (210) 968-3165
Mailing List:
(Company/Violator/Counsel/Other Affiliates)

Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

(List Name and Address of Counsel, when applicable)
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<td>NA</td>
<td>NA</td>
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AGREED ORDER

Resolving Violations by L & F Distributors under the Rules of the Texas Natural Resource Conservation Commission (TNRCC); Assessing Administrative Penalties and Requiring Certain Actions of L & F Distributors; TNRCC Facility ID No. 28077; Enforcement ID No. E10979.

On SEP 20 1995, came on to be considered by the Texas Natural Resource Conservation Commission ("TNRCC" or "Commission") the Agreement of the Parties, resolving violations of the rules of the TNRCC relating to underground storage tanks ("USTs"), requiring certain actions, and assessing administrative penalties. The entity made the subject of this enforcement matter is L & F Distributors, 3800 N. McColl Road, McAllen, Texas 78501.

After proper notice to L & F Distributors, the parties appeared and announced before the Commission that they had settled all matters in controversy and requested the Commission to enter this Agreed Order.

This Agreed Order is entered solely for the purpose of resolving the disputed claims between the Commission and L & F Distributors and is entered upon the recommendation of the Commission and L & F Distributors. In consenting to the entry of this Agreed Order, neither Party admits the allegations of the other Party. This Agreed Order may not be construed as evidence of any of the violations cited herein, either directly or indirectly; nor shall this Agreed Order be used in any way, either directly or indirectly, for any purpose, whenever and however arising, in any judicial or administrative proceeding, except a proceeding brought by the Executive Director to enforce the terms of this Order, or in an Enforcement Proceeding brought by the Executive Director pursuant to the Texas Water Code (the "Code"), §26.136, and §26.019.

L & F Distributors acknowledges that by entering this Agreed Order, L & F Distributors has waived the right to appeal this Order. Any disputes that may arise under the terms of this Order may only be appealed in accordance with §5.351 of the Code, following good faith efforts
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order

to negotiate the dispute with the appropriate Deputy Directors of the Texas Natural Resource Conservation Commission.

It is understood and agreed by the Executive Director and L & F Distributors that accepting this Agreed Order does not, in any way, release L & F Distributors, any of its agents, assigns, employees, or any other person acting for or on behalf of L & F Distributors, from any criminal liability arising out of the violations this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Commission and L & F Distributors and upon their heirs, successors and assigns.

FINDINGS OF FACT

(1) At the time of the violation, L & F Distributors owned and operated two (2) USTs located at the L & F Distributors facility located at 3800 N. McColl Road in McAllen, Hidalgo County, Texas.

(2) L & F Distributors’ USTs contained a regulated substance as defined in the Commission’s rules. Further, the USTs were not exempt or excluded from regulation under the Commission’s rules.

(3) On January 25, 1995, a representative from the Commission’s Region 15 Field Office performed an inspection at the above-referenced facility and documented L & F Distributors’ failure to conduct annual tank and piping tightness testing, to perform monthly reconciliation, and to take monthly tank water level readings.

CONCLUSIONS OF LAW

(1) L & F Distributors owned and operated USTs subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Supp. 1994) and the rules of the Commission.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

(2) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(1)(A) by failing to provide proper release detection for its UST system.

(3) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(2)(A) by failing to provide proper release detection for its pressurized product piping.


(5) Section 26.019 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code. Section 26.353 of the Code authorizes the Commission to issue orders to enforce Chapter 26 of the Code and the rules pertaining to the regulation of USTs in accordance with the procedures applicable to orders issued under §26.019 of the Code. Accordingly, the Commission orders L & F Distributors to implement the Technical Requirements included below to bring the facility into compliance with the Code and the rules of the Commission.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that L & F Distributors shall be assessed an administrative penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) for violations of the rules of the Commission. The imposition of this administrative penalty resolves only those matters described herein that occurred prior to the date of issuance of this Order, and the Commission shall not be constrained in any manner from considering any administrative penalties for violations of the Texas Water Code or the regulations or orders of the Commission occurring after the date this Order is signed or which are not raised herein. All checks rendered to pay penalties imposed by this Order shall be made out to "The State of Texas - General Revenue Fund." This penalty shall be paid within thirty (30) days of the issuance of this Order, and mailed to:

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Attention: Cashier, MC214
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088

with the notation, "Re: L & F Distributors, PST Enforcement Order, E10979."
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

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that it has applicable release detection methods in place, and further ensure that its
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required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30
days of the issuance of the Commission Order, L & F Distributors shall submit a written
report documenting its compliance with 30 TAC §334.50.

B. Within 30 days of the issuance of the Commission Order, L & F Distributors shall pay
all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure
to Make Payment).

The documentation necessary to demonstrate compliance with Technical Requirement A above
shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

The Executive Director may refer this matter to the Office of the Attorney General for further
enforcement proceedings without notice to L & F Distributors if the Executive Director
determines that L & F Distributors is noncompliant with the requirements set forth in this
Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date: SEP 26 1995

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

For the Commission

ATTEST:

Gloria A. Vasquez, Chief Clerk
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

DOCKET 95-1214-PST-E

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

Greg Langania
Authorized Representative of
L & F Distributors (Print)

Signature

Title (Print)

Date

7-17-95

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

Kevin McCalla
Acting Deputy Director
Office of Legal
Texas Natural Resource Conservation Commission

Date

8/12/95
Texas Natural Resource Conservation Commission
Protecting Texas by Reducing and Preventing Pollution

August 21, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Greg LaMantia,
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

Re: Enforcement Action: L & F Distributors;
Facility: L & F Distributors, 3800 N. McColl Road, McAllen, Texas;
Enforcement ID No.: E10979.

Dear Mr. LaMantia:

This is to inform you that Commission consideration of the Agreed Order in the above-referenced matter will be at:

9:30 A.M., Wednesday, September 20, 1995
Room 201S, Building E, Technical Park Center
12118 North IH 35, Austin, Texas.

The Executive Director will recommend that the Agreed Order be granted by the Commission.

Thank you for your cooperation in the settlement of this case, and if I can be of any further assistance, please contact me at (512) 239-2126.

Sincerely,

Mark D. Norman, Coordinator
Enforcement Section
Petroleum Storage Tank Division

cc: Raymond C. Winter, TNRCC Enforcement Coordination and Litigation Division
Gregory Goode, TNRCC Region 15 Field Office
I also wish to receive the following services (for an extra fee):

1. □ Addressee's Address
2. □ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
   MR GREG LAMANTIA
   L & F DISTRIBUTORS
   3800 N MCCOLL ROAD
   MCALLEN TEXAS 78501

E10979/MDN

AUG 31 1995

4a. Article Number
    012950

4b. Service Type
    □ Registered
    □ Insured
    □ Certified
    □ COD
    □ Express Mail
    □ Return Receipt for
    □ Merchandise

5. Signature (Addressee)
   Jane Valencia

6. Signature (Agent)

PS Form 3811, December 1991
DOMESTIC RETURN RECEIPT
DOCKET NUMBER: 95-1214-PST-E

TYPE (EUF, HEARING, ETC.): 

PROGRAM AREA (AIR, MSW, PST, ETC. - SEE LIST): 

ENTITY: L & F Distributors

PERMIT #: E10979

CONTACT: Hidalgo Mark Norman

DOCKET DATE: ___/___/

AGENDA DATE (IF ANY): 9/20/95

COUNTY: Hidalgo

COMMENTS: 

__________________________________________

__________________________________________

__________________________________________

PREPARED BY: Anita Quintero

DATE: 8/1/95

BRING BY OR SEND TO: DOCKET CLERK, BUILDING F, 4TH FLOOR, ROOM 4201
OR E-MAIL TO: SOESTRIC
PHONE: 239-3331 FAX: 239-3311
MAILING LIST/ENFORCEMENT SUMMARY:

DOCKET NO.: 95-1214-PST-E

Agenda Date: September 20, 1995

Name of Matter: L & F Distributors

PST Facility ID No.: 28077

Type of Matter: PST

Administrative Penalties:
- Total Assessed: $1200
- Amount Deferred: NA
- Amount Waived: NA
- Stipulated Penalties: Yes
- Comments: NA

TNRCC Region Number: 15

Staff Attorney & Phone Number: Raymond C. Winter, (512) 239-0600

Enforcement Coordinator & Phone Number: Mark D. Norman, (512) 239-2126

Technician/Engineer & Phone Number: Gregory Goode, (210) 968-3165

Mailing List:
(Company/Violator/Counsel/Other Affiliates)

Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

(List Name and Address of Counsel, when applicable)
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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

DOCKET 95-1214-PST-E

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Agreed Order

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FINDINGS OF FACT

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L & F Distributors
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Agreed Order

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that L & F Distributors shall undertake certain actions as follow:

A. Immediately upon the issuance of the Commission Order, L & F Distributors shall ensure that it has applicable release detection methods in place, and further ensure that its release detection for the USTs and associated piping meets the technical standards required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30 days of the issuance of the Commission Order, L & F Distributors shall submit a written report documenting its compliance with 30 TAC §334.50.

B. Within 30 days of the issuance of the Commission Order, L & F Distributors shall pay all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure to Make Payment).

The documentation necessary to demonstrate compliance with Technical Requirement A above shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

The Executive Director may refer this matter to the Office of the Attorney General for further enforcement proceedings without notice to L & F Distributors if the Executive Director determines that L & F Distributors is noncompliant with the requirements set forth in this Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date:

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

For the Commission

ATTEST:

______________________________
Gloria A. Vasquez, Chief Clerk
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

DOCKET 95-1214-PST-E

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

[Signature]
Authorized Representative of
L & F Distributors (Print)

[Title (Print)]

[Date]

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

[Signature]
Kevin McCalla
Acting Deputy Director
Office of Legal
Texas Natural Resource Conservation Commission

[Date]
<table>
<thead>
<tr>
<th>List of Violations</th>
<th>Calculated Penalty</th>
<th>Staff Recommendation</th>
<th>Negotiated Penalty</th>
<th>Reason for Adjustment</th>
<th>Required Corrective Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(h)(1)(A) by failing to provide proper release detection for its UST system.</td>
<td>$600</td>
<td>$600</td>
<td>NA</td>
<td>NA</td>
<td>Immediately upon the issuance of the Commission Order, L &amp; F Distributors shall ensure that it has applicable release detection methods in place, and further ensure that its release detection for the USTs and associated piping meets the technical standards required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30 days of the issuance of the Commission Order, L &amp; F Distributors shall submit a written report documenting its compliance with 30 TAC §334.50.</td>
</tr>
<tr>
<td>L &amp; F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(h)(2)(A) by failing to provide proper release detection for its pressurized product piping.</td>
<td>$600</td>
<td>$600</td>
<td>NA</td>
<td>NA</td>
<td>Within 30 days of the issuance of the Commission Order, L &amp; F Distributors shall pay all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure to Make Payment).</td>
</tr>
<tr>
<td>Total Penalty</td>
<td>$1200</td>
<td>$1200</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

E10979
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order

DOCKET ___________

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

____________________  
Authorized Representative of  
L & F Distributors (Print)  

____________________  
Signature

____________________  
Title (Print)

7-12-95  
Date

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

____________________  
Kevin McCalla  
Acting Deputy Director  
Office of Legal  
Texas Natural Resource Conservation Commission  

Date
Texas Natural Resource Conservation Commission  
Protecting Texas by Reducing and Preventing Pollution  
July 7, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Greg LaMantia  
L & F Distributors  
3800 N. McColl Road  
McAllen, Texas 78501

Re: PST Enforcement Action Against L & F Distributors;  
Facility: L & F Distributors, 3800 N. McColl Road, McAllen, Hidalgo County, Texas;  
Enforcement ID No.: E10979.

Dear Mr. LaMantia:

On January 25, 1995, Texas Natural Resource Conservation Commission (TNRCC or Commission) staff documented violations of agency rules relating to underground storage tanks at the above-referenced facility. Please find enclosed a draft agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of One Thousand Two Hundred Dollars ($1,200). We believe that handling this matter expeditiously could save L & F Distributors and the Commission a significant amount of time and expense. If you agree with the order as drafted, please sign the attached waiver form and submit it along with a copy of the enclosed draft order to the undersigned within 20 days of the date of this letter. If you have any comments or questions regarding this matter, we are available to discuss them over the telephone or in a settlement conference. If we are able to reach an agreement in a timely manner, we will set this matter on the Commission’s agenda in the near future.

If you do not wish to participate in this expedited process, we shall proceed with formal enforcement. The formal process requires staff to prepare and issue to L & F Distributors a petition and Executive Director’s Preliminary Enforcement Report. If we do not receive the signed waiver form, signifying your agreement with the enclosed proposed Order within 20 days of the date of this letter, we shall assume that you have elected to participate in formal enforcement and we shall proceed accordingly. For questions or comments, please call Mr. Mark D. Norman of my staff at (512) 239-2126.

Sincerely,

[Signature]
David W. Bower, Manager  
Enforcement Section  
Petroleum Storage Tank Division
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order

DOCKET

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

Greg Lomantia  
Authorized Representative of L & F Distributors (Print)

Signature

Title (Print)

7-17-95  
Date

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

Kevin McCalla  
Acting Deputy Director  
Office of Legal  
Texas Natural Resource Conservation Commission  

Date
AGREED ORDER

Resolving Violations by L & F Distributors under the Rules of the Texas Natural Resource Conservation Commission (TNRCC); Assessing Administrative Penalties and Requiring Certain Actions of L & F Distributors; TNRCC Facility ID No. 28077; Enforcement ID No. E10979.

On ______________________, came on to be considered by the Texas Natural Resource Conservation Commission ("TNRCC" or "Commission") the Agreement of the Parties, resolving violations of the rules of the TNRCC relating to underground storage tanks ("USTs"), requiring certain actions, and assessing administrative penalties. The entity made the subject of this enforcement matter is L & F Distributors, 3800 N. McColl Road, McAllen, Texas 78501.

After proper notice to L & F Distributors, the parties appeared and announced before the Commission that they had settled all matters in controversy and requested the Commission to enter this Agreed Order.

This Agreed Order is entered solely for the purpose of resolving the disputed claims between the Commission and L & F Distributors and is entered upon the recommendation of the Commission and L & F Distributors. In consenting to the entry of this Agreed Order, neither Party admits the allegations of the other Party. This Agreed Order may not be construed as evidence of any of the violations cited herein, either directly or indirectly; nor shall this Agreed Order be used in any way, either directly or indirectly, for any purpose, whenever and however arising, in any judicial or administrative proceeding, except a proceeding brought by the Executive Director to enforce the terms of this Order, or in an Enforcement Proceeding brought by the Executive Director pursuant to the Texas Water Code (the "Code"), §26.136, and §26.019.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

L & F Distributors acknowledges that by entering this Agreed Order, L & F Distributors has waived the right to appeal this Order. Any disputes that may arise under the terms of this Order may only be appealed in accordance with §5.351 of the Code, following good faith efforts to negotiate the dispute with the appropriate Deputy Directors of the Texas Natural Resource Conservation Commission.

It is understood and agreed by the Executive Director and L & F Distributors that accepting this Agreed Order does not, in any way, release L & F Distributors, any of its agents, assigns, employees, or any other person acting for or on behalf of L & F Distributors, from any criminal liability arising out of the violations this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Commission and L & F Distributors and upon their heirs, successors and assigns.

FINDINGS OF FACT

(1) At the time of the violation, L & F Distributors owned and operated two (2) USTs located at the L & F Distributors facility located at 3800 N. McColl Road in McAllen, Hidalgo County, Texas.

(2) L & F Distributors’ USTs contained a regulated substance as defined in the Commission’s rules. Further, the USTs were not exempt or excluded from regulation under the Commission’s rules.

(3) On January 25, 1995, a representative from the Commission’s Region 15 Field Office performed an inspection at the above-referenced facility and documented L & F Distributors’ failure to conduct annual tank and piping tightness testing, to perform monthly reconciliation, and to take monthly tank water level readings.

CONCLUSIONS OF LAW

(1) L & F Distributors owned and operated USTs subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Supp. 1994) and the rules of the Commission.
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order

(2) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(1)(A) by failing to provide proper release detection for its UST system.

(3) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(2)(A) by failing to provide proper release detection for its pressurized product piping.


(5) Section 26.019 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code. Section 26.353 of the Code authorizes the Commission to issue orders to enforce Chapter 26 of the Code and the rules pertaining to the regulation of USTs in accordance with the procedures applicable to orders issued under §26.019 of the Code. Accordingly, the Commission orders L & F Distributors to implement the Technical Requirements included below to bring the facility into compliance with the Code and the rules of the Commission.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that L & F Distributors shall be assessed an administrative penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) for violations of the rules of the Commission. The imposition of this administrative penalty resolves only those matters described herein that occurred prior to the date of issuance of this Order, and the Commission shall not be constrained in any manner from considering any administrative penalties for violations of the Texas Water Code or the regulations or orders of the Commission occurring after the date this Order is signed or which are not raised herein. All checks rendered to pay penalties imposed by this Order shall be made out to “The State of Texas - General Revenue Fund." This penalty shall be paid within thirty (30) days of the issuance of this Order, and mailed to:

Financial Administration Division, Revenues  
Attention: Cashier, MC214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

with the notation, “Re: L & F Distributors, PST Enforcement Order, E10979.”
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVA-
TION COMMISSION that L & F Distributors shall undertake certain actions as follow:

A. Immediately upon the issuance of the Commission Order, L & F Distributors shall ensure
that it has applicable release detection methods in place, and further ensure that its
release detection for the USTs and associated piping meets the technical standards
required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30
days of the issuance of the Commission Order, L & F Distributors shall submit a written
report documenting its compliance with 30 TAC §334.50.

B. Within 30 days of the issuance of the Commission Order, L & F Distributors shall pay
all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure
to Make Payment).

The documentation necessary to demonstrate compliance with Technical Requirement A above
shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

The Executive Director may refer this matter to the Office of the Attorney General for further
enforcement proceedings without notice to L & F Distributors if the Executive Director
determines that L & F Distributors is noncompliant with the requirements set forth in this
Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date:

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

__________________________
John Hall, Chairman

ATTEST:

__________________________
Gloria A. Vasquez, Chief Clerk
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Enclosures

cc: Raymond C. Winter, Attorney, Enforcement Coordination and Litigation Division, TNRCC
Mark D. Norman, Enforcement Coordinator, PST Division, TNRCC
Gregory Goode, Region 15, Field Operations Division, TNRCC
Melissa Wilson, Cashier's Office, Financial Administration Division, TNRCC
John Hall, Chairman
Pam Reed, Commissioner
R. B. “Ralph” Marquez, Commissioner
Dan Pearson, Executive Director

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**

*Protecting Texas by Reducing and Preventing Pollution*

*July 7, 1995*

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

Re: PST Enforcement Action Against L & F Distributors;
Facility: L & F Distributors, 3800 N. McColl Road, McAllen, Hidalgo County, Texas;
Enforcement ID No.: E10979.

Dear Mr. LaMantia:

On January 25, 1995, Texas Natural Resource Conservation Commission (TNRCC or Commission) staff documented violations of agency rules relating to underground storage tanks at the above-referenced facility. Please find enclosed a draft agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of One Thousand Two Hundred Dollars ($1,200). We believe that handling this matter expeditiously could save L & F Distributors and the Commission a significant amount of time and expense. If you agree with the order as drafted, please sign the attached waiver form and submit it along with a copy of the enclosed draft order to the undersigned within 20 days of the date of this letter. If you have any comments or questions regarding this matter, we are available to discuss them over the telephone or in a settlement conference. If we are able to reach an agreement in a timely manner, we will set this matter on the Commission’s agenda in the near future.

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Sincerely,

David W. Bower, Manager
Enforcement Section
Petroleum Storage Tank Division
Enclosures

cc:  Raymond C. Winter, Attorney, Enforcement Coordination and Litigation Division, TNRCC
     Mark D. Norman, Enforcement Coordinator, PST Division, TNRCC
     Gregory Goode, Region 15, Field Operations Division, TNRCC
     Melissa Wilson, Cashier’s Office, Financial Administration Division, TNRCC
DOCKET ___________

AGREED ORDER

Resolving Violations by L & F Distributors under the Rules of the Texas Natural Resource Conservation Commission (TNRCC); Assessing Administrative Penalties and Requiring Certain Actions of L & F Distributors; TNRCC Facility ID No. 28077; Enforcement ID No. E10979.

On ______________, came on to be considered by the Texas Natural Resource Conservation Commission ("TNRCC" or "Commission") the Agreement of the Parties, resolving violations of the rules of the TNRCC relating to underground storage tanks ("USTs"), requiring certain actions, and assessing administrative penalties. The entity made the subject of this enforcement matter is L & F Distributors, 3800 N. McColl Road, McAllen, Texas 78501.

After proper notice to L & F Distributors, the parties appeared and announced before the Commission that they had settled all matters in controversy and requested the Commission to enter this Agreed Order.

This Agreed Order is entered solely for the purpose of resolving the disputed claims between the Commission and L & F Distributors and is entered upon the recommendation of the Commission and L & F Distributors. In consenting to the entry of this Agreed Order, neither Party admits the allegations of the other Party. This Agreed Order may not be construed as evidence of any of the violations cited herein, either directly or indirectly; nor shall this Agreed Order be used in any way, either directly or indirectly, for any purpose, whenever and however arising, in any judicial or administrative proceeding, except a proceeding brought by the Executive Director to enforce the terms of this Order, or in an Enforcement Proceeding brought by the Executive Director pursuant to the Texas Water Code (the "Code"), §26.136, and §26.019.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

L & F Distributors acknowledges that by entering this Agreed Order, L & F Distributors has waived the right to appeal this Order. Any disputes that may arise under the terms of this Order may only be appealed in accordance with §5.351 of the Code, following good faith efforts to negotiate the dispute with the appropriate Deputy Directors of the Texas Natural Resource Conservation Commission.

It is understood and agreed by the Executive Director and L & F Distributors that accepting this Agreed Order does not, in any way, release L & F Distributors, any of its agents, assigns, employees, or any other person acting for or on behalf of L & F Distributors, from any criminal liability arising out of the violations this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Commission and L & F Distributors and upon their heirs, successors and assigns.

FINDINGS OF FACT

(1) At the time of the violation, L & F Distributors owned and operated two (2) USTs located at the L & F Distributors facility located at 3800 N. McCall Road in McAllen, Hidalgo County, Texas.

(2) L & F Distributors’ USTs contained a regulated substance as defined in the Commission’s rules. Further, the USTs were not exempt or excluded from regulation under the Commission’s rules.

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CONCLUSIONS OF LAW

(1) L & F Distributors owned and operated USTs subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Supp. 1994) and the rules of the Commission.
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order  

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Financial Administration Division, Revenues  
Attention: Cashier, MC214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

with the notation, "Re: L & F Distributors, PST Enforcement Order, E10979."
IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVA-
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The documentation necessary to demonstrate compliance with Technical Requirement A above shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
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The Executive Director may refer this matter to the Office of the Attorney General for further enforcement proceedings without notice to L & F Distributors if the Executive Director determines that L & F Distributors is noncompliant with the requirements set forth in this Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date:

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

John Hall, Chairman

ATTEST:

Gloria A. Vasquez, Chief Clerk

---

PS Form 3811, December 1991   U.S. POSTAGE: 5633-455  DOMESTIC RETURN RECEIPT
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

DOCKET ____________

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

______________________________________________
Authorized Representative of L & F Distributors (Print)

______________________________________________
Signature

______________________________________________
Title (Print)

______________________________________________
Date

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

______________________________________________
Kevin McCalla
Acting Deputy Director
Office of Legal
Texas Natural Resource Conservation Commission

______________________________________________
Date
Call to: Greg La Mantia                             Call from: M Norman
Date of call: 7-7-95                                 File no.: E10979
Phone no.: (212) 687-7751                             Subject: Draft Order Changes

Information for file:

Told Mr La Mantia

1) Comm would not make "alleged" changes. He said O.K.
2) Comm would change TP3, pg. 2 to "... binding upon
   the Comm & L&F and upon their heirs..."

I will change D.O. and send another copy.

Signed: M N
Call to:  M Norman  
Date of call:  7-6-95  
Phone no.:  (210) 687-7751  

Call from: Greg La Mantia  
File no.: E 18979  
Subject: Draft Order - change in wording  

9:30
Regarding wording in the Order - Mr La Mantia feels:
1) P3 *= gives the impression of alleged violations  
   He wants to make changes to reflect "allegations" throughout document.
2) Eq. 2 - binding upon L & F & Commission.  

Per Ray thru Ken  11:45  7-6-95  
1) P3 - gives L&F protection that
   a)  No 3rd party can use this case against him.
   b)  Comm say violations occurred boy but P3 gives L&F out that prev. are "alleged"
   L&F

2) No  
Comm bound to do nothing but F must pay/IR's

Signed: 

TNRRC-0225 (Rev. 09-01-93)
Call to:  M Norman  
Date of call:  7.3.95  2:50  
Phone no.:  (___)  NA  

Call from:  Mr Greg LaMantia  
File no.:  E10979  
Subject:  Draft Order (6.20.95)  

Information for file:  

Mr. LaMantia asked, "It order signed, paid, & TR's implemented is this a done deal." I said yes, but it could be used as grounds for culpability if they were refereed again.

Mr. LaMantia asked about the "criminal liability" language in the order. I gave him Ray W's phone #.

Mr LaMantia said he would have his attorney look at the Order and call me back. I noted w/ 20 days.

3:00 Called Ray w/ "head up" he could be getting a call on this case.

Signed  [Signature]
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Protecting Texas by Reducing and Preventing Pollution
June 20, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Greg LaMantia
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

Re: PST Enforcement Action Against L & F Distributors;
   Facility: L & F Distributors, 3800 N. McColl Road, McAllen, Hidalgo County, Texas;
   Enforcement ID No.: E10979.

Dear Mr. LaMantia:

On January 25, 1995, Texas Natural Resource Conservation Commission (TNRCC or Commission) staff documented violations of agency rules relating to underground storage tanks at the above-referenced facility. Please find enclosed a draft agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of One Thousand Two Hundred Dollars ($1,200). We believe that handling this matter expeditiously could save L & F Distributors and the Commission a significant amount of time and expense. If you agree with the order as drafted, please sign the attached waiver form and submit it along with a copy of the enclosed draft order to the undersigned within 20 days of the date of this letter. If you have any comments or questions regarding this matter, we are available to discuss them over the telephone or in a settlement conference. If we are able to reach an agreement in a timely manner, we will set this matter on the Commission’s agenda in the near future.

If you do not wish to participate in this expedited process, we shall proceed with formal enforcement. The formal process requires staff to prepare and issue to L & F Distributors a petition and Executive Director’s Preliminary Enforcement Report. If we do not receive the signed waiver form, signifying your agreement with the enclosed proposed Order within 20 days of the date of this letter, we shall assume that you have elected to participate in formal enforcement and we shall proceed accordingly. For questions or comments, please call Mr. Mark D. Norman of my staff at (512) 239-2126.

Sincerely,

David W. Bower, Manager
Enforcement Section
Petroleum Storage Tank Division
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Enclosures

cc: Raymond C. Winter, Attorney, Enforcement Coordination and Litigation Division, TNRCC
Mark D. Norman, Enforcement Coordinator, PST Division, TNRCC
Gregory Goode, Region 15, Field Operations Division, TNRCC
Melissa Wilson, Cashier’s Office, Financial Administration Division, TNRCC
AGREED ORDER

Resolving Violations by L & F Distributors under the Rules of the Texas Natural Resource Conservation Commission (TNRCC); Assessing Administrative Penalties and Requiring Certain Actions of L & F Distributors; TNRCC Facility ID No. 28077; Enforcement ID No. E10979.

On __________________, came on to be considered by the Texas Natural Resource Conservation Commission ("TNRCC" or "Commission") the Agreement of the Parties, resolving violations of the rules of the TNRCC relating to underground storage tanks ("USTs"), requiring certain actions, and assessing administrative penalties. The entity made the subject of this enforcement matter is L & F Distributors, 3800 N. McColl Road, McAllen, Texas 78501.

After proper notice to L & F Distributors, the parties appeared and announced before the Commission that they had settled all matters in controversy and requested the Commission to enter this Agreed Order.

This Agreed Order is entered solely for the purpose of resolving the disputed claims between the Commission and L & F Distributors and is entered upon the recommendation of the Commission and L & F Distributors. In consenting to the entry of this Agreed Order, neither Party admits the allegations of the other Party. This Agreed Order may not be construed as evidence of any of the violations cited herein, either directly or indirectly; nor shall this Agreed Order be used in any way, either directly or indirectly, for any purpose, whenever and however arising, in any judicial or administrative proceeding, except a proceeding brought by the Executive Director to enforce the terms of this Order, or in an Enforcement Proceeding brought by the Executive Director pursuant to the Texas Water Code (the "Code"), §26.136, and §26.019.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

L & F Distributors acknowledges that by entering this Agreed Order, L & F Distributors has waived the right to appeal this Order. Any disputes that may arise under the terms of this Order may only be appealed in accordance with §5.351 of the Code, following good faith efforts to negotiate the dispute with the appropriate Deputy Directors of the Texas Natural Resource Conservation Commission.

It is understood and agreed by the Executive Director and L & F Distributors that accepting this Agreed Order does not, in any way, release L & F Distributors, any of its agents, assigns, employees, or any other person acting for or on behalf of L & F Distributors, from any criminal liability arising out of the violations this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon L & F Distributors and upon its heirs, successors and assigns.

FINDINGS OF FACT

(1) At the time of the violation, L & F Distributors owned and operated two (2) USTs located at the L & F Distributors facility located at 3800 N. McColl Road in McAllen, Hidalgo County, Texas.

(2) L & F Distributors’ USTs contained a regulated substance as defined in the Commission’s rules. Further, the USTs were not exempt or excluded from regulation under the Commission’s rules.

(3) On January 25, 1995, a representative from the Commission’s Region 15 Field Office performed an inspection at the above-referenced facility and documented L & F Distributors’ failure to conduct annual tank and piping tightness testing, to perform monthly reconciliation, and to take monthly tank water level readings.

CONCLUSIONS OF LAW

(1) L & F Distributors owned and operated USTs subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Supp. 1994) and the rules of the Commission.
(2) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(1)(A) by failing to provide proper release detection for its UST system.

(3) As evidenced by Finding of Fact Number 3, L & F Distributors has violated 30 Texas Administrative Code (TAC) §334.50(b)(2)(A) by failing to provide proper release detection for its pressurized product piping.


(5) Section 26.019 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code. Section 26.353 of the Code authorizes the Commission to issue orders to enforce Chapter 26 of the Code and the rules pertaining to the regulation of USTs in accordance with the procedures applicable to orders issued under §26.019 of the Code. Accordingly, the Commission orders L & F Distributors to implement the Technical Requirements included below to bring the facility into compliance with the Code and the rules of the Commission.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that L & F Distributors shall be assessed an administrative penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) for violations of the rules of the Commission. The imposition of this administrative penalty resolves only those matters described herein that occurred prior to the date of issuance of this Order, and the Commission shall not be constrained in any manner from considering any administrative penalties for violations of the Texas Water Code or the regulations or orders of the Commission occurring after the date this Order is signed or which are not raised herein. All checks rendered to pay penalties imposed by this Order shall be made out to "The State of Texas - General Revenue Fund." This penalty shall be paid within thirty (30) days of the issuance of this Order, and mailed to:

Financial Administration Division, Revenues
Attention: Cashier, MC214
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088

with the notation, "Re: L & F Distributors, PST Enforcement Order, E10979."
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order  

DRAFT  

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVA-
TION COMMISSION that L & F Distributors shall undertake certain actions as follow:

A. Immediately upon the issuance of the Commission Order, L & F Distributors shall ensure that it has applicable release detection methods in place, and further ensure that its release detection for the USTs and associated piping meets the technical standards required in 30 TAC §334.50 (relating to Release Detection). Additionally, within 30 days of the issuance of the Commission Order, L & F Distributors shall submit a written report documenting its compliance with 30 TAC §334.50.

B. Within 30 days of the issuance of the Commission Order, L & F Distributors shall pay all outstanding annual facility fees as required under 30 TAC §334.22 (relating to Failure to Make Payment).

The documentation necessary to demonstrate compliance with Technical Requirement A above shall be submitted to the following:

Mark D. Norman, Enforcement Section, MC134  
Petroleum Storage Tank Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

The Executive Director may refer this matter to the Office of the Attorney General for further enforcement proceedings without notice to L & F Distributors if the Executive Director determines that L & F Distributors is noncompliant with the requirements set forth in this Agreed Order.

The Chief Clerk shall provide a copy of this Order to each of the parties.
L & F Distributors
PST Enforcement ID No. E10979
Agreed Order

Issued date:

DRAFT

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

______________________________
John Hall, Chairman

ATTEST:

______________________________
Gloria A. Vasquez, Chief Clerk
L & F Distributors  
PST Enforcement ID No. E10979  
Agreed Order

DOCKET _____________

I, the undersigned, have read and understand the attached Enforcement Order. I understand that it is an Order which does not constitute an admission by either party of the facts alleged in the enforcement action giving rise to this Enforcement Order, but does constitute a waiver of the right to appeal. I am authorized to agree to the attached Enforcement Order on behalf of L & F Distributors, and agree to the terms and conditions set forth therein.

Authorized Representative of  
L & F Distributors (Print)  
Title (Print)

Signature  
Date

I, the undersigned, hereby agree to the terms of this Enforcement Order in lieu of an evidentiary hearing. This Enforcement Order constitutes full and final adjudication of the matters set forth in this Order.

Kevin McCalla  
Acting Deputy Director  
Office of Legal  
Texas Natural Resource Conservation Commission  
Date
Citation of Noncompliance: 30 TAC §334.50(b)(1)(A)

Part I - Recommended Base Penalty Amount

1. Level of Extent & Gravity of Violation: Major
   Justification - L & F Distributors failed to comply with the regulation.

2. Level of Impact or Hazard of Violation: Minor
   Justification - No documented impact.

3. Base Penalty Amount: $600

Part II - Penalty Adjustments

Upon consideration of the statutory criteria set forth in §26.136 of the Texas Water Code, the Executive Director has calculated the following adjustments to the recommended penalty based on the following factor(s):

1. History of Noncompliance: $600 x 1 = $600

   Since this is L & F Distributors's first documented violation of §334.50(b)(1)(A), a multiplying factor of 1 is justified.

Part III - Recommended Penalty Calculation

Number of Penalty Events: 1

Penalty Amount: $600 x 1 = $600
PENALTY COMPUTATION WORKSHEET NO. 2
L & F Distributors
Enforcement ID Number: E10979

Citation of Noncompliance: 30 TAC §334.50(b)(2)(A)

Part I - Recommended Base Penalty Amount

1. Level of Extent & Gravity of Violation: Major
   Justification - L & F Distributors failed to comply with the
   regulation.

2. Level of Impact or Hazard of Violation: Minor
   Justification - No documented impact.

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   §334.50(b)(2)(A), a multiplying
   factor of 1 is justified.

Part III - Recommended Penalty Calculation

Number of Penalty Events: 1

Penalty Amount: $600 x 1 = $600
April 27, 1995

Mr. Mark Norman
Enforcement Section
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas  78711-3087

Dear Mr. Norman:

This is in response to your Notice of Enforcement Action letter dated April 17, 1995. I am responding for the following alleged violations.

1. Annual facility fees (UST Registration Fees) are paid and current with a -0- balance.

2. (a) We have been unable to find the tank tightness tests for 1992 and 1993.

3. (b) We are enclosing the Inventory Records for the months of February and March, 1995. Prior records were incomplete.

3. There were no piping tests performed in 1992 or 1993.

Thank you for your assistance with this matter. Please contact me if you have any questions reference this matter.

Sincerely,

M.R. Mejia

Monica R. Mejia
L&F Distributors, LTD.
Fleet Division

enc.

cc:  Greg LaMantia
## MONTHLY INVENTORY CONTROL SHEET

**Tank No:** 

**MONTH / YEAR:** February 95

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<th>(1) DATE</th>
<th>(2) INITIAL STICK READING (GAL)</th>
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<th>(4) GALLONS DELIVERED</th>
<th>(5) BOOK INVENTORY (GALLONS)</th>
<th>(6) CLOSING STICK READING (GAL)</th>
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**MONTHLY TOTALS:**  

\[
\text{(b) 2096} \quad \text{(c) 3024} \quad \text{(d) 1978} \quad \text{(e) 2096} \quad \text{(f) <40>}
\]

**Math Check:**  

\[
190 + 3024 = 2096 + 130 = 151 \quad \text{Gals.}
\]

**LEAK CHECK:**  

\[
\left( \frac{2096}{130} \right) \times 0.01 + 130 = 151 \quad \text{Gals.}
\]

**DATE WATER LEVEL CHECKED:** 2/18/95  

**WATER LEVEL STICK READING:** 0  

***If monthly total of the "Daily Over or Short" column is greater than the leak check result, notify the TEXAS WATER COMMISSION.***

TWC-0061 (04-20-93)
### Monthly Inventory Control Sheet

**Tank No:** 2  
**Facility:** McAllen  
**Month / Year:** February 95  
**Tank Capacity/Dimensions:** 10,000  
**Fuel:** Diesel

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<th>Daily Gallons Dispensed</th>
<th>Gallons Delivered</th>
<th>Book Inventory (GAL)</th>
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<td>2608 293/8</td>
<td>2625 17</td>
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<tr>
<td>2/28</td>
<td>293/8 2625</td>
<td>570</td>
<td>0</td>
<td>2055 25</td>
<td>2053 &lt;2 &gt;</td>
<td>-45</td>
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**LEAK CHECK:** \[
\frac{16005}{290} \times 0.01 + 130 = 290 \text{ Gals.}
\]

**DATE OF WATER LEVEL CHECKED:** 2/28/95  
**WATER LEVEL STICK READING:** 3/4  
**Gals.**

***If monthly total of the "Daily Over or Short" column is greater than the leak check result, notify the Texas Water Commission***
### MONTHLY INVENTORY CONTROL SHEET

**Tank No:** [BLANK]
**MONTH / YEAR:** 3/95

| Month | Initial Stick Reading (GAL) | Daily Gallons Dispensed (GAL) | Gallons Delivered | Book Inventory (GAL) | Closing Stick Reading (GAL) | Daily Over or Short (GAL) | MTM INT.
<table>
<thead>
<tr>
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<td>-2</td>
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<td>924</td>
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<td>+3</td>
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<td>18 3/4</td>
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<td>17 7/8</td>
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<td>113</td>
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<td>17</td>
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<td>18</td>
<td>10 1/2</td>
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<td>177</td>
<td>1005</td>
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<td>&lt;25</td>
<td>+13</td>
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<td>727</td>
<td>1</td>
<td>+73</td>
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<td>+37</td>
<td>110</td>
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<td>1619</td>
<td>1597</td>
<td>&lt;27</td>
<td>-83</td>
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**MONTHLY TOTALS:**

<table>
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<tr>
<th>Initial Stick Reading (GAL)</th>
<th>Daily Gallons Dispensed (GAL)</th>
<th>Gallons Delivered</th>
<th>Book Inventory (GAL)</th>
<th>Closing Stick Reading (GAL)</th>
<th>Daily Over or Short (GAL)</th>
<th>MTM INT.</th>
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<tbody>
<tr>
<td>1078</td>
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<td></td>
<td>2682</td>
<td>3113</td>
<td>1592</td>
<td>83</td>
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</tbody>
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Math Check: $1078 + 3113 - 1592 = 2682 + 83$

**LEAK CHECK:**

$$\left(\frac{1078}{2682}\right) \times .01 + 130 = \frac{141}{6} \text{ Gals.}$$

**DATE WATER LEVEL CHECKED:**

**WATER LEVEL STICK READING:**

---

**NOTICE:** If the monthly total of the "Daily Over or Short" column is greater than the leak check result, notify the TEXAS WATER COMMISSION.
MONTHLY INVENTORY CONTROL SHEET
MONTH / YEAR: March 95

<table>
<thead>
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<th>Date</th>
<th>Initial Stick Reading (Gal)</th>
<th>Daily Gallons Dispensed</th>
<th>Daily Gallons Delivered</th>
<th>Book Inventory (Gallons)</th>
<th>Closing Stick Reading (Gal)</th>
<th>Daily Over or Short (Gallons)</th>
<th>MM Inch</th>
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<td>893</td>
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<td>5344</td>
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<td>4422</td>
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<td>3/18</td>
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<td>1374</td>
<td>67</td>
<td>6465</td>
<td>57%</td>
<td>6465</td>
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<tr>
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<td>4900</td>
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<td>39%</td>
<td>3981</td>
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<td>407</td>
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<td>3584</td>
<td>148</td>
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<td>35%</td>
<td>3584</td>
<td>811</td>
<td>2773</td>
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<td>2769</td>
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<td></td>
</tr>
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<td>30%</td>
<td>2769</td>
<td>977</td>
<td>1792</td>
<td>22%</td>
<td>1789</td>
<td>-41</td>
</tr>
<tr>
<td>3/28</td>
<td>22%</td>
<td>1789</td>
<td>777</td>
<td>1012</td>
<td>15%</td>
<td>1017</td>
<td>5</td>
</tr>
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<td>15%</td>
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<td>740</td>
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<td>273</td>
<td>1102</td>
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<td>69</td>
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<td>4810</td>
<td>-1</td>
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</table>

MONTHLY TOTALS: (M) 18347 (N) 21105

Math Check: [ 2053 (A) + 21105 (B) ] - 4210 (C) - 18347 (M) = +1 (E)

LEAK CHECK: [( 18347 ) x .01] + 130 = 313 Gals.

DATE WATER LEVEL CHECKED: 3/31 195 WATER LEVEL STICK READING: 0 0 Gals.

*** If monthly total of the "Daily Over or Short" column is greater than the leak check result, notify the TEXAS WATER COMMISSION.
Data Chart for Tank System Tightness Test

1. OWNER
   Name: LA MANDA JR
   Address: 3820 S. AMALFI HWY
   City: TEA
   Zip: 687-6206

2. OPERATOR
   Name: LA MANDA SR
   Address: 3800 S. AMALFI HWY
   City: TEA
   Zip: 687-6206

3. REASON FOR TEST
   Annual Tank Volume Test

4. WHO REQUESTED TEST AND WHEN
   Name: LA MANDA JR
   Date: DEC 30-54

5. TANK INVOLVED
   TANK: #4
   Location: SOUTH SIDE
   Capacity: 10,000 GALLONS

6. INSTALLATION DATA
   South Side Concrete 4" 3"

7. UNDERGROUND WATER
   Water line to test tank from grade: NEW DATE

8. FILL-UP ARRANGEMENTS
   Tanks to be filled SOUTHERLY
   Arranged to LISTA OIL
   Extra product or "top off" and not tank water. Here and able to proceed? Consider 117 Level

9. CONTRACTOR, MECHANICS
   PRECISION TANK TEST
   Name: DAVE MORGAN
   Phone: 1-310-314-6000

10. OTHER INFORMATION OR REMARKS
    Additional information on any name above. Officer or owner to be identified when signing if in possession or competent. Follows or information presented, etc. etc.

11. TEST METHOD
    ✔ PETRO TITE
    □ PETRO COMP
    □ QUICK CHECK 2000

11a. TEST RESULTS
    Tank Tested: TANK #4
    Date: DEC 30-54
    Test: ✔
    Wet Volume Test
    Net Volume Change Per Hour
    Regular Test: YES 0.007 0.064

12. SENSOR CERTIFICATION
    Name: DAVE MORGAN
    Certification #: 1208426
    SIGNATURE: DAVE MORGAN
    Date: DEC 30-54
### Test Data

**P-T Tank Test Data Chart**

<table>
<thead>
<tr>
<th>Date</th>
<th>Test Date</th>
<th>Test No.</th>
<th>Test Description</th>
<th>Test Conditions</th>
<th>Test Results</th>
</tr>
</thead>
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<td>10/01/04</td>
<td>10000</td>
<td>Arrive at Location</td>
<td>_present</td>
<td></td>
</tr>
<tr>
<td>10/01/04</td>
<td>10/01/04</td>
<td>10000</td>
<td>Tank #1</td>
<td>Test #1</td>
<td>Test #2</td>
</tr>
</tbody>
</table>
### Data Chart for Tank System Tightness Test

#### Tank to Test
- **Tank #1**
- **Type:** Diesel
- **Location:** Inside
- **Service:** Storage, Diesel
- **Fuel Type:** Diesel

#### Brief Diagram of Tank Field

#### Filler-Up For Test
- **Date of Test:** 1/24/94
- **Date of Test:** 1/22/94

#### Special Conditions and Procedures to Test This Tank
- **Conditions:**
  - *High water table in tank entrance*
  - *High water table in tank entrance*

#### Tank Measurements for Test Assembly
- **Tank No:** 1
- **Capacity:** 10,000 Gallons
- **Tracer In Tank:** E. coli
- **Tracer In Water:** E. coli
- **Tracer In Water:** E. coli

#### Vapour Recovery System
- **Type:** Reciprocating Method
- **Temperature in Tank:** 80°F
- **Temperature of Samples:** 80°F
- **Difference (T):** 0°F

#### Water Temperature after Circulation
- **Temperature in Tank:** 92°F
- **Temperature in Water:** 92°F

#### Coefficient of Expansion
- **Coefficient of Expansion:** 0.01

#### Notes
- **Volume Change per °F:** 0.01
- **Volume Change per °F:** 0.01
- **Volume Change per °F:** 0.01
- **Volume Change per °F:** 0.01
- **Volume Change per °F:** 0.01
<table>
<thead>
<tr>
<th>Test No.</th>
<th>Description</th>
<th>Test Date</th>
<th>Test Time</th>
<th>Test Duration</th>
<th>Test Volume</th>
<th>Test Temperature</th>
<th>Test Pressure</th>
<th>Test Result</th>
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</thead>
<tbody>
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<td>START CIRCULATION</td>
<td>9/16/2023</td>
<td>9:30 AM</td>
<td>10 min</td>
<td>10,000</td>
<td>72°F</td>
<td>50 psi</td>
<td>PASS</td>
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<tr>
<td>2</td>
<td>START HIGH LEVEL TEST</td>
<td>9/16/2023</td>
<td>9:45 AM</td>
<td>5 min</td>
<td>10,000</td>
<td>70°F</td>
<td>50 psi</td>
<td>PASS</td>
</tr>
<tr>
<td>3</td>
<td>END OF TEST</td>
<td>9/16/2023</td>
<td>10:00 AM</td>
<td>15 min</td>
<td>10,000</td>
<td>70°F</td>
<td>50 psi</td>
<td>PASS</td>
</tr>
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</table>

P-T Tank Test Data Chart

Additional Info:

Test Volume Change at Completion of Test: -0.22

Date: 9/16/2023
Call to: Mr. Monica Mejia  
Date of call: 4-27-95  2:45 p.m.  
Phone no.: (210) 687-7751  
Call from: M. Norman  
File no.: E10979  
Subject: L&F Dist.

Information for file:
Return of Ms Mejia's call to discuss NOE & clarify what doc. she need to send in.
I told her:
Viol. 1) All past due fees paid 3-31-95 $300.
Viol. 2) a) TTT - Only Tests for 10-6-94 were available at site. Tasks should have been tested annually since 12-22-92. Should keep records for 5 yrs.
   - Please send TTT for 1992 & 1993. - [She said none done.]
   b) Inv. Control - Send 11-94, 12-94, 2-95, 3-95
   No Inv. Control done previous to 1/95.
   Need to be: i) rec 1990 & 1991
   ii) rec monthly
   iii) Water Monthly to be
   No Ext. f) Calib. attractors on pump
Viol. 3) PTT for 9-19-91 (Diesel only) & 10-6-94 (both)
Such piping should have been tested by 12-22-92

She is trying very hard to comply & just stated 1/95.

Signed: M. Norman
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Greg LaMantia,
L & F Distributors
3800 N. McColl Road
McAllen, Texas 78501

Re: Notice of Enforcement Action; L & F Distributors
Facility: L & F Distributors, 3800 N. McColl Road in McAllen, Texas
Enforcement ID No.: E10979.

Dear Mr. LaMantia:

On January 25, 1995, a member of our Region 15 Field Office inspected the above-referenced facility and determined that the facility and its operation is not in compliance with applicable laws and Texas Natural Resource Commission (TNRCC or Commission) underground storage tank (UST) regulations. This matter was referred to the agency’s central office because of the seriousness of these violations. The TNRCC has determined that this matter needs to be resolved through a formal enforcement action.

An investigation report referred to the Enforcement Section documents the following violations of the Texas Water Code and the rules of the TNRCC:

1. **30 TAC Section 334.22(a)** - Failure to pay annual facility fees for USTs at the time and in the manner and amount provided by 30 TAC Subchapter B. Specifically, Commission records indicate that, as of February 28, 1995, L & F Distributors owes UST Registration Fees in the amount of Three Hundred Dollars ($300.00).

2. **30 TAC Section 334.50(b)(1)(A)** - Failure to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, this refers to L & F Distributors’ failure to conduct annual tank tightness testing and reconciliation of detailed inventory control records at least once each month. The Commission also documented L & F Distributors’ failure to measure any water level in the bottom of the tank to the nearest one-eighth of an inch at least once a month and make appropriate adjustments to the inventory records.

3. **30 TAC Section 334.50(b)(2)(B)** - Failure to monitor piping which conveys regulated substances under suction flow in a UST system in a manner designed to detect releases from any portion of the piping system.
The staff of the TNRCC is dedicated to working with the regulated community to achieve compliance. Where, as in this case, compliance has not been obtained through those efforts, the Commission must exercise its authority to protect public health and the environment. The Commission is authorized to require corrective action, assess administrative penalties of up to $10,000 per day, or both. You will have the opportunity to enter into an Agreed Order with the Commission. If we cannot reach an agreed resolution of this matter, you have the right to a hearing on the facts of the violations and/or the amount of the penalty. This hearing could take place at the agency or it could take place in district court if we refer the matter to the Attorney General for enforcement. Such a referral could come at any time during this process.

We are currently developing a draft of an agreed order in an attempt to expedite this enforcement action. We believe that handling this matter expeditiously could save L & F Distributors and the TNRCC a significant amount of time and expense. The draft agreed order will be mailed to you in the near future and we will be available to discuss settlement of this matter.

Please submit any documentation you possess that would demonstrate that you have taken all necessary corrective measures to bring the facility into compliance. This information should be submitted within two weeks of the date of this letter and addressed to me as follows:

Mr. Mark D. Norman
Enforcement Section
Petroleum Storage Tank Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

In addition, all necessary actions should be taken to minimize any adverse impact to the environment that may have resulted from the regulatory violations at your facility. Although action taken toward achievement of compliance does not excuse violations of the Commission rules or requirements of the Texas Water Code, a prompt response may reduce the extent of future violations and any resulting penalties.

If you would you like to obtain a copy of the applicable rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining the Rules."

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.
Please contact me at (512) 239-2126 with any questions you may have concerning this matter.

Sincerely,

Mark D. Norman, Geologist/Enforcement Coordinator
Enforcement Section
Petroleum Storage Tank Division

Enclosure

cc: Raymond C. Winter, Staff Attorney, Enforcement Coordination and Litigation Division, TNRCC
    Gregory Goode, PST Inspector, Region 15-Weslaco, TNRCC
# Texas Water Commission - Underground Storage Tank Registration Form

## I. Owner Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Owner Name</strong></td>
<td>Joe La Mantia</td>
</tr>
<tr>
<td><strong>Facility Name</strong></td>
<td>LAF Distributors</td>
</tr>
<tr>
<td><strong>Mailing Address</strong></td>
<td>PO Box 1068</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>McAllen</td>
</tr>
<tr>
<td><strong>County</strong></td>
<td>Hidalgo</td>
</tr>
<tr>
<td><strong>Contact Person</strong></td>
<td>Joe La Mantia</td>
</tr>
<tr>
<td><strong>Telephone</strong></td>
<td>(210) 697-7757</td>
</tr>
<tr>
<td><strong>Type of Owner</strong></td>
<td>Private or Corporate</td>
</tr>
<tr>
<td><strong>Location of Records</strong></td>
<td>(off-site)</td>
</tr>
</tbody>
</table>

## II. Facility Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Facility Name</strong></td>
<td>LAF Distributors</td>
</tr>
<tr>
<td><strong>Physical Address</strong></td>
<td>3900 N McCall</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>McAllen</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>TX</td>
</tr>
<tr>
<td><strong>County</strong></td>
<td>Hidalgo</td>
</tr>
<tr>
<td><strong>Telephone</strong></td>
<td>(210) 697-7757</td>
</tr>
<tr>
<td><strong>Type of Facility</strong></td>
<td>Wholesale</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>(off-site)</td>
</tr>
</tbody>
</table>

## III. Registration Status

- **Original Form**: [ ]
- **Amended Form**: [ ]

**Note:** If this is the first time that this facility has been registered, or if you are not sure if it has been registered, mark here.

**Note:** If this is an amendment to a UST form that has already been filed with the Texas Water Commission, briefly explain the change in the space provided (attach additional sheets if necessary). Please include dates, names, addresses, phone numbers and any other pertinent information.

**Compliance Date** (mark one)
- Sept. 29, 1989 [ ]
- Oct. 26, 1989 [ ]
- April 26, 1990 [ ]
- Oct. 26, 1990 [ ]

**Financial Responsibility Mechanism** (mark all that apply)
- Letter of Credit [ ]
- Trust Fund [ ]
- Insurance or Risk Retention Group [ ]
- Surety Bond [ ]
- PST Remediation Fund [ ]
- Standby Trust Fund [ ]
- Self Insured [ ]
- Other (please specify) [ ]

## IV. Financial Responsibility

**Compliance Date** (mark one)
- Sept. 29, 1989 [ ]
- Oct. 26, 1989 [ ]
- April 26, 1990 [ ]
- Oct. 26, 1990 [ ]

**Financial Responsibility Mechanism** (mark all that apply)
- Letter of Credit [ ]
- Trust Fund [ ]
- Insurance or Risk Retention Group [ ]
- Surety Bond [ ]
- PST Remediation Fund [ ]
- Standby Trust Fund [ ]
- Self Insured [ ]
- Other (please specify) [ ]

## V. Installer Certification

**Note:** This section must be completed and signed by the installer. Leave blank if no installation activity is involved.

I certify that the information provided concerning recent installations is true to the best of my belief and knowledge:

**Was tank testing completed during and after installation?**
- Yes [ ]
- No [ ]

**Installation Company Name**
- [ ]

**Contractor's Registration Number**
- [ ]

**Installer's Name**
- [ ]

**Installer's License Number**
- [ ]

**Installer Signature**
- [ ]

**Date Signed**
- [ ]

## VI. Owner Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

**Owner's Name**
- [ ]

**Owner's Authorized Representative**
- [ ]

**Title**
- [ ]

**Date Signed**
- [ ]

**Signature**
- [ ]

**Date Signed**
- [ ]

**TWC-0724 (12-29-89)**

**POOR QUALITY ORIGINAL**
### VII. DESCRIPTION OF UNDERGROUND STORAGE TANKS (UST's)

**Tank ID** (e.g. 1, 2, 3 or A, B, C)

<table>
<thead>
<tr>
<th>TANK STATUS</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.91</td>
<td>01.91</td>
<td>01.91</td>
<td>01.91</td>
<td>01.91</td>
</tr>
<tr>
<td>1. Currently in Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Temporarily Out of Service (date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Permanently Abandoned In-place (date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Permanently Removed from the Ground (date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UST CONSTRUCTION AND CONTAINMENT</th>
<th>(mark all that apply)</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single Wall</td>
<td></td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2. Double Wall</td>
<td></td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
</tr>
<tr>
<td>3. External Jacket System</td>
<td></td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>4. Excavation/Trench Liner System</td>
<td></td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>5. Piping System:</td>
<td></td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
</tr>
<tr>
<td>a. Pressurized</td>
<td></td>
<td>a.</td>
<td>a.</td>
<td>a.</td>
<td>a.</td>
</tr>
<tr>
<td>b. Suction</td>
<td></td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
</tr>
<tr>
<td>c. Gravity</td>
<td></td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
</tr>
<tr>
<td>6. Other (please specify)</td>
<td></td>
<td>6.</td>
<td>6.</td>
<td>6.</td>
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</table>

<table>
<thead>
<tr>
<th>MATERIAL OF CONSTRUCTION</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Steel</td>
<td></td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2. Fiberglass-Reinforced Plastic (FRP)</td>
<td></td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
</tr>
<tr>
<td>3. Composite (steel w/FRP laminate)</td>
<td></td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>4. Concrete</td>
<td></td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>5. Other (please specify)</td>
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<td>5.</td>
<td>5.</td>
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<table>
<thead>
<tr>
<th>RELEASE DETECTION</th>
<th>(mark all that apply)</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
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</thead>
<tbody>
<tr>
<td>1. Vapor Monitoring</td>
<td></td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2. Groundwater Monitoring</td>
<td></td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
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</tr>
<tr>
<td>3. Monitoring Above Excavation Liner</td>
<td></td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>4. Automatic In-Tank Monitoring &amp; Inventory Control</td>
<td></td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>5. Interstitial Monitoring for Double Wall UST's</td>
<td></td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
</tr>
<tr>
<td>7. Inventory Control</td>
<td></td>
<td>7.</td>
<td>7.</td>
<td>7.</td>
<td>7.</td>
</tr>
<tr>
<td>8. Unknown/None</td>
<td></td>
<td>8.</td>
<td>8.</td>
<td>8.</td>
<td>8.</td>
</tr>
<tr>
<td>10. Other (please specify)</td>
<td></td>
<td>10.</td>
<td>10.</td>
<td>10.</td>
<td>10.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBSTANCE STORED</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Gasoline</td>
<td>5. Used Oil</td>
<td>2.</td>
<td>5.</td>
<td>2.</td>
</tr>
<tr>
<td>7. Other Petroleum Product (please specify)</td>
<td></td>
<td>7.</td>
<td>7.</td>
<td>7.</td>
</tr>
<tr>
<td>a. Name of Principal CERCLA Substance</td>
<td></td>
<td>a.</td>
<td>a.</td>
<td>a.</td>
</tr>
<tr>
<td>b. Chemical Abstract Service (CAS) No.</td>
<td></td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
</tr>
<tr>
<td>c. Mixture of Hazardous Substances</td>
<td></td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
</tr>
<tr>
<td>10. Other (please specify)</td>
<td></td>
<td>10.</td>
<td>10.</td>
<td>10.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPILL AND OVERFLOW PREVENTION</th>
<th>(mark all that apply)</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tight-Fill Fitting</td>
<td></td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2. Spill Container/Liquid-Tight Sump</td>
<td></td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
</tr>
<tr>
<td>3. Automatic Overfill Device:</td>
<td></td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>b. Flow Restrictor Valve</td>
<td></td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
</tr>
<tr>
<td>c. High Level Alarm</td>
<td></td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
</tr>
<tr>
<td>4. Unknown/None</td>
<td></td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CORROSION PROTECTION</th>
<th>(mark all that apply)</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
<th>Tank Piping</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. External Coatings:</td>
<td></td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>a. Painted (e.g. asphaltic)</td>
<td></td>
<td>a.</td>
<td>a.</td>
<td>a.</td>
<td>a.</td>
</tr>
<tr>
<td>b. Dielectric (e.g. coal tar epoxy)</td>
<td></td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
<td>b.</td>
</tr>
<tr>
<td>c. Fiberglass-Reinforced Plastic</td>
<td></td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
<td>c.</td>
</tr>
<tr>
<td>d. Taped/Wrapped Piping</td>
<td></td>
<td>d.</td>
<td>d.</td>
<td>d.</td>
<td>d.</td>
</tr>
<tr>
<td>2. Internally Lined Tank (e.g. epoxy resin)</td>
<td></td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
<td>2.</td>
</tr>
<tr>
<td>3. Cathodic Protection System</td>
<td></td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>4. Composite Tank (steel w/FRP laminate)</td>
<td></td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>5. Noncorroding Material Construction</td>
<td></td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
<td>5.</td>
</tr>
<tr>
<td>7. Unknown/None</td>
<td></td>
<td>7.</td>
<td>7.</td>
<td>7.</td>
<td>7.</td>
</tr>
</tbody>
</table>
**VIOLATION SUMMARY SHEET**

**E10979**

ESC Date: March 7, 1995

| ENTITY: | L & F Distributors  
| Mr. Greg LaMantia  
| L & F Distributors |
| FACILITY ID NO.: | 28077 |
| REFERRED BY: | Gregory Goode  
| / Jamie Robinson |
| Region: | 15 |
| Telephone: | (210) 968-3165 |

**COMPLIANCE HISTORY:**

Reference the chronology of events from the Enforcement Actions Request (EAR) of 02/03/95 which summarizes 02 violations. The alleged violations as initialed were found to be applicable based upon the Central Office Enforcement Screening Committee review (ESC) review. The violations and/or areas of concern are listed below as follows:

1. CAC/DB | 30 TAC 334.50(b)(1)(A) - Tank tightness tests/1% + 130/1.8°/H₂O
2. CAC/DB | 30 TAC 334.50(b)(2)(B) - Suction line not tested in 1992
3. | **30 TAC 334.22(a) - Registration Fees past due**
4. |  
5. |  
6. |  
7. |  
8. |  
9. |  
10. |  

**PROPOSED ACTION:**

NOE, Expedited Order

**PROPOSED ACTION TO BE TAKEN BY:**

Mark Norman

**ATTORNEY:**

**ADDITIONAL COMMENTS:**

February 17, 1995

TNRCC
Region 15
813 E. Pike Blvd.
Weslaco, Texas 78596-4935

Re: Notice of Violation
TNRCC Facility I.D. No. 28077
LRST ID No. 101344

Dear Mr. Rubinstein:

As per your letter dated February 3, 1995 the following proposed schedule for corrective actions is presently being enforced and used at our location.

1. Current UST Registration Form

2. Release Detection Records (Monitoring)
   a. UST Inventory Control
      Through Dispensing Meter Recording Sheets - Tank gauging is done daily on each separate tank and converted measurements of 1/8" to the corresponding number of gallons from a UST Calibration Chart.
   b. Monthly Inventory Control Sheet
      Information that is obtained from the Dispensing Meter Recording Sheets is transferred daily onto the Control Sheet. Other recordings which are also included with this is the gauging for the presence of water and the leak check (which are both done monthly).
   c. Product Delivery Record
      This is being kept and used every time a fuel shipment is received. This information is later transferred onto the Control Sheet.
   d. UST Inventory Control is being performed every operating day and reconciled once a month. Tank Tightness Testing is to be done once a year, October 6th being the anniversary date.

3. Performance Claims for the system

Furthermore, if there is an area of compliance which needs to be further addressed, we would certainly appreciate your advise and recommendations. Thank you and your staff for your assistance with this matter.

Sincerely,

Greg LaMontia

GLmm
<table>
<thead>
<tr>
<th>Customer</th>
<th>Address</th>
<th>Phone</th>
<th>Terms</th>
<th>Status</th>
<th>Payment</th>
<th>Due Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F Distributors</td>
<td>123 Main St, McAllen, TX</td>
<td>(512) 687-6206</td>
<td>30-Day Net</td>
<td>Good</td>
<td>Cash On Delivery</td>
<td>09/30/94</td>
<td>None</td>
</tr>
</tbody>
</table>
To: David Bower, Manager  
   Enforcement Section, PST  
   Division

Thru: Cecily Warren, PST Program Coordinator

From: Gregory D. Goode  
   Weslaco, Region 15

Subject: PST Enforcement Action Request – L & F Distributors, 3900 N. McColl, McAllen, (Hidalgo County), Texas; Registration: 28077

Region 15, PST Section is requesting that enforcement action be brought against:

L & F Distributors  
P. O. Drawer 3068  
McAllen, Texas 78501  
Contact: Greg LaMantia  
(210) 687-7751

The following violations are alleged:

1. 30 TAC 334.50(b)(1)(A) – Failure to monitor UST for releases at a frequency of at least once every month (not to exceed 35 days between).

2. 30 TAC 334.50(b)(2)(B) – Failure to monitor piping which conveys regulated substances under suction in an UST system in a manner designed to detect releases; in 1992 and 1993.

Please find a chronology of events attached.

[Signatures]

Gregory D. Goode  
Weslaco, Region 15

Carlos Rubinstein  
Waste Program Manager  
Region 15

CR/GDG:rp

cc: Jose A. Franco, Regional Manager, Weslaco Office

Attachments
1. On 10-2-91, Region 15 generates an incident report documenting a line leak with soils above action levels. An LPST number is issued #101344.

2. On 1-2-91, all remediation efforts finalized, case closed.

3. On 1-12-95, Region 15 conducts a pre-checks of this facility to verify UST number and current status in consultation with RP (*See Telephone Memo). Region 15 advises RP of notification process for release detection inspection. The formal notification letter was subsequently generated and issued.

4. On 1-25-94, Region 15 conducts the CEI inspection with Ms. Monica Mejia and Mr. Greg LaMantia in attendance. Violations were cited and recommendations for compliance discussed (*See attachments).

5. On 1-27-95, Region 15 request formal enforcement action be taken against L & F Distributors; the NOV was generated and issued to RP.

See attached checklist "Impacts to Health/Safety"
A. Human Health and Safety

1. Is there a confirmed impact?  ____________________________

   Yes___ No____

   Volume lost:
   < 2,500 gals. _____ > 7,500 gals. _____
   > 2,500 gals. _____ > 10,000 gals. _____
   > 5,000 gals. _____ > 15,000 gals. _____
   Unknown or > 25,000 gals _____

2. Is there a potential for impact?  ____________________________

   Yes___ No____

B. Environment

1. Is the site located in a sensitive area?  ____________________________

   Yes___ No____

2. Is there an impact to groundwater and/or surface water?  ____________________________

   Yes___ No____

3. Is there a potential for impact to state waters?  ____________________________

   Yes___ No____

4. Is there impact to soils only?  ____________________________

   Yes___ No____

5. Is there a potential for impact to soils?  ____________________________

   Yes___ No____

Date: __________________

Mon.
February 3, 1995

CERTIFIED MAIL

Mr. Greg LaMantia
L & F Distributors
P. O. Drawer 3068
McAllen, Texas 78501

Re: Notice of Violation for L & F Distributors, 3900 North McColl, McAllen, (Hidalgo County), Texas
TNRCC Facility I.D. No. 28077
LPST ID No. 101344

Dear Mr. LaMantia:

On January 25, 1995, Mr. Gregory Goode, Field Investigator, of the Texas Natural Resource Conservation Commission (TNRCC) conducted an inspection of the above-named facility. The inspection was conducted to determine the facility's compliance with Title 30, Texas Administrative Code Section 334 pertaining to release detection. The inspector observed and documented that the facility and/or its operation is not in compliance with applicable laws and TNRCC underground storage tank regulations. The following violations of the Texas Water Code and the rules of the TNRCC were observed:

1. 30 TAC 334.50(b)(1)(A) - Failure to monitor UST for releases at a frequency of at least once every month (not to exceed 35 days between).

2. 30 TAC 334.50(b)(2)(B) - Failure to monitor piping which conveys regulated substances under suction in an UST system in a manner designed to detect releases in 1992 and 1993.

Because of the seriousness of these violations, this case will be referred to the Petroleum Storage Tank Division's Enforcement Section in Austin for consideration of formal enforcement action.

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with
environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state’s environmental laws, regulations, and permits.

We ask that you respond in writing with your proposed schedule for corrective action(s), and that you do so no later than February 21, 1995 from the date of receipt of this letter. We also ask that you advise us of any corrective action which you have taken already. We will conduct an on-site inspection or review of records at the appropriate time to verify compliance.

If you would like to obtain a copy of the application rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining the Rules."

If you have any questions regarding these matters, please contact Gregory Goode at (210) 968-3165.

Sincerely,

Carlos Rubinstein
Waste Program Manager
Region 15

CR: GDG\rp

Attachments

cc: Jose A. Franco, Regional Manager, Weslaco Office
## I. Ownership of Tank(s)

<table>
<thead>
<tr>
<th>Owner Name (Corporation, Individual, Public Agency or other entity):</th>
<th>Facility Name or Company Site Identifier, if different from left</th>
</tr>
</thead>
<tbody>
<tr>
<td>L &amp; F DISTRIBUTORS</td>
<td>L &amp; F DISTRIBUTORS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Street Address or State Road, as applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Drawer 3068</td>
<td>3900 N. McCoil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>McAllen</td>
<td>Texas</td>
<td>78501</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area Code</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>(210)</td>
<td>697-7751</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person At UST Location</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREG LAURITA</td>
<td></td>
</tr>
</tbody>
</table>

## II. Location of Tank(s)

<table>
<thead>
<tr>
<th>County</th>
<th>City (nearest)</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hidalgo</td>
<td>McAllen</td>
<td>Texas</td>
<td>78501</td>
</tr>
</tbody>
</table>

No. of Tanks at Facility: 2  Facility ID No.: 0028077

## III. Tank Information

Complete for each tank. If facility has more than 4 tanks, photocopy page and complete information for additional tanks.

<table>
<thead>
<tr>
<th>Tank presently in use</th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>If not in use, date last used</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If emptied, verify 1&quot; or less of product in tank (specify amount)</td>
<td>1978</td>
<td>1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Month and Year Tank Installed (&quot;E&quot; for estimate or &quot;K&quot; for known)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material of Construction (&quot;E&quot; for estimate or &quot;K&quot; for known)</td>
<td>FRP</td>
<td>FRP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity of Tank (in gallons) (&quot;E&quot; for estimate or &quot;K&quot; for known)</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance Stored (&quot;E&quot; for estimate or &quot;K&quot; for known)</td>
<td>K-Diesel</td>
<td>K-Diesel</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## IV. Release Detection For Tanks

Check the release detection method(s) used for each tank or N/A if none required. Complete the appropriate checklist(s) for each method utilized.

- Inventory Control and Tank Tightness Testing
- Manual Tank Gauging (MTG)
- MTG and Tank Tightness Testing
- Monthly Tank Gauging (emergency generator tanks only)
- Automatic Tank Gauging and Inventory Control
- Automatic Tank Gauging (emergency generator tanks only)
- Vapor Monitoring
- Groundwater Monitoring
- Interstitial Monitoring of Double-Wall Systems
- Monitoring of Systems with Secondary Containment Barriers
- Alternative method (write in name of method)

## V. Release Detection For Piping

Complete piping checklist and appropriate release detection checklist(s) for each method utilized.

Specify Pressurized (P) or Suction (S) Piping for each tank:

<table>
<thead>
<tr>
<th>Tank 1</th>
<th>Tank 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>S</td>
</tr>
</tbody>
</table>

Material of Construction ("E" for estimate or "K" for known):

<table>
<thead>
<tr>
<th>Tank 1</th>
<th>Tank 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-FRP</td>
<td>E-FRP</td>
</tr>
</tbody>
</table>

Comments:


**Gregory D. Goode**

(print name)

Inspector's Signature: **Gregory D. Goode**

Date: **January 25, 1995**

Signature of Owner or Owner’s Representative Present During Inspection: **Maria Mejia**
<table>
<thead>
<tr>
<th>Facility ID #: 0028-077</th>
</tr>
</thead>
</table>

**TExAS WATER COMMISSION**

**Release Detection For Piping 508(b)(2)**

Documentation of performance claim(s) (are available on-site and show(s) the system's ability to detect releases of 0.1 gph at 150% of operating pressure (or equivalent) for pressure, suction, or gravity flow piping tightness tests and/or 3 gph at 10 psi (for automatic line leak detectors) with 95% or more probability of detection and 5% or less probability of false alarm (typically third party certification) 3/24/93

<table>
<thead>
<tr>
<th>Pressurized Piping 508(b)(2)(A)</th>
<th>A method must be selected from each set. Please circle Yes or No. Where applicable indicate date of last test. If facility has more than 4 tanks, photocopy this page and complete information for all add'l piping.</th>
</tr>
</thead>
</table>

**Set 1**

<table>
<thead>
<tr>
<th></th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automatic Flow Restrictor 508(b)(2)(i)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Automatic Shut-off Device 508(b)(2)(ii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Continuous Alarm System 508(b)(2)(iii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Date of last Annual Line Leak Detector performance test 508(b)(2)(iv)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Records of last Line Leak Detector perf. test available on-site 508(b)(2)(v)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

**Set 2**

<table>
<thead>
<tr>
<th></th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Piping Tightness Test (include date of most recent test for each line and indicate Pass &quot;P&quot; or Fail &quot;F&quot;) 508(b)(2)(vi)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Record of most recent test available on-site 508(b)(2)(vii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Vapor Monitoring (VM) (if Yes, use VM checklist) 508(b)(2)(viii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Groundwater Monitoring (GWM) (if Yes, use GWM checklist) 508(b)(2)(ix)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Interstitial Monitoring (IM) (if Yes, use IM checklist) 508(b)(2)(x)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Secondary Containment (SC) (if Yes, use SC checklist) 508(b)(2)(xi)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Alternative Method (AM) (if Yes, use AM checklist) 508(b)(2)(xii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

**Suction and Gravity Flow Piping 508(b)(5)**

<table>
<thead>
<tr>
<th></th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piping Tightness Test (required every 3 years) (include date of most recent test and indicate Pass &quot;P&quot; or Fail &quot;F&quot;) 508(b)(5)(iv)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Record of most recent test available on-site 508(b)(5)(v)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Vapor Monitoring (VM) (if Yes, use VM checklist) 508(b)(5)(vi)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Groundwater Monitoring (GWM) (if Yes, use GWM checklist) 508(b)(5)(vii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Interstitial Monitoring (IM) (if Yes, use IM checklist) 508(b)(5)(viii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Secondary Containment (SC) (if Yes, use SC checklist) 508(b)(5)(ix)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Alternative Method (AM) (if Yes, use AM checklist) 508(b)(5)(x)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

**No Leak Detection Required (must answer yes to all of the following questions)**

<table>
<thead>
<tr>
<th></th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operates at less than atmospheric pressure 508(b)(5)(i)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Slope of piping would allow ALL product to drain back into tank when suction released 508(b)(5)(ii)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Has only ONE check valve, located directly under pump 508(b)(5)(iii) and (iv)</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

All above information on suction piping is VERIFIABLE 5/29/93

**Comments:** No Records Available for Pipe Testing for 1992 and 1993 (Violation Notice)

Inspector's Signature: [Signature]

Date: 1-25-95

Signature of Owner or Owner's Representative Present During Inspection: [Signature]

TWC-0032B (03-01-93)
# Texas Water Commission

Inventory Control And Tank Tightness Testing

**Facility ID:** 0028077

**Method of tank tightness testing:** PETRO TITE II

**Name of tank tightness tester:** PETROLEUM SOLUTIONS, INC. ED BLEIBERG

---

**Please circle Yes or No for each question for each tank:**

If this facility has more than 4 tanks, please photocopy this page and complete the information for all additional tanks.

<table>
<thead>
<tr>
<th>Question Description</th>
<th>Tank 1</th>
<th>Tank 2</th>
<th>Tank 3</th>
<th>Tank 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of last tank tightness test (indicate 'N' if not performed)</td>
<td></td>
<td>9-19-91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did tank pass test? If no, specify in comments (below) the status of the tank or what actions have been taken (e.g., has TWG been notified?)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Record of most recent tightness test is available on-site</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded to 1/8 of an inch each operating day</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Absolute value of sum of daily overages or shortages for each month is less than 1% + 130 gals of tank's flow through volume</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If no, which months (if any) was/were not? (specify month(s) and year(s))</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Books are reconciled monthly</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Records include monthly water monitoring to the nearest 1/8&quot;</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Monthly water readings are used to adjust monthly inventory balances</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Appropriate calibration chart (tank specific factory chart or results of strapping procedure) is used for converting product level height to gallons and is available for review for each tank</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Dispenser pump has a current calibration sticker</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The drop tube in the fill pipe extends to within one foot of tank bottom (only for tanks installed on or after 9/29/89)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Inventory control records are maintained and available for the past 12 months for each tank</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

---

**Please circle Yes or No for each question:**

<table>
<thead>
<tr>
<th>Question Description</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/operator can explain inventory control methods and figures used and recorded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Books appear used and evidence of recent entries is apparent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner can demonstrate acceptable gauging techniques</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The gauge stick is long enough to reach the bottom of the tank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The ends of the gauge stick are flat and not worn down</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The gauge stick is marked legibly and the product level can be determined to the nearest 1/8 of an inch over the full range of the tank’s internal height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documentation of performance claims for the tank tightness test method is available and shows the system's ability to detect releases of 0.1 gph with 95% or more probability of detection and 5% or less probability of false alarm (typically third party certification)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank tester complied with all certification requirements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

T-1 TESTED 10-6-94 and PASSED (See attachments) Daily Activity Report Generated

AS FSRD, 1993, HOWEVER NOT ON A DAILY BASIS. INVENTORY RECORDS REQUIRE UPDATING.

(SEE DIRECTIVE)

Inspector's Signature: [Signature]

Date: 1-25-95

Signature of Owner or Owner's Representative Present During Inspection: [Signature]
The purpose of this form is to document field communications made between the TWC and PST owners/operators/representatives.

TYPE OF INSPECTION:  
- Construction
- Remediation
- Compliance Evaluation
- Other

SITE DIAGRAM:  
Scale = North

Violation:

Show location(s) of original (replacement) tank(s), line(s), excavation, boring(s), monitor/observation well(s), etc.

Release Detection Compliance Inspection: Upgrade Inventory Record Keeping to recognized standards as per Release Detection Requirements, i.e., Daily sampling of each Tank, Monthly Recollection, Monthly Water Check per Tank. A Follow-up Inspection will be conducted within 3 months.

DIRECTIVES: For Compliance Verification.

__________ DUE DATE: __________

This site documentation is intended to identify on-site directives, facility inspections, and release response activities. Site-specific Corrective Action Directive (CAD) letters will be issued by the TWC following the reporting of a release. Regulatory guidances will be supplied by the TWC throughout the course of all on-site activity.

This document reflects the assessment of site conditions by the TWC and is not intended to limit the scope of remediation necessary. In order to be reimbursed by TWC, an owner or operator must be eligible under TWC rules and the items performed must be allowable and reasonable under the TWC rules. This document alone does not mean a person is eligible or that any costs incurred are allowable or reasonable.

_________________ Dated 1-25-95
TWC Field Inspector

_________________ Received by Owner/Operator/Representative 1-25-95

TWC-0091 (08-21-92)
# Data Chart for Tank System Tightness Test

## Owner Information
- **Property**: Yes
- **Name**: Joe L. Martia, Jr.
- **Address**: 3800 N. McColl
- **City**: McAllen
- **State**: TX
- **Zip**: 78506
- **Telephone**: 887-6206

## Operator Information
- **Name**: Ramiro Mori
- **Address**: 3800 N. McColl
- **City**: McAllen
- **State**: TX
- **Zip**: 78506
- **Telephone**: 887-6206

## Reason for Test
- **Annual Tank Line Test**

## Who Requested Test and When
- **Name**: Ramiro Mori
- **Title**: P.A. Manager
- **Company Affiliation**: L+F Dist.
- **Date**: 9-28-54

## Tank Information
- **Tank ID by Direction**: NORTHWEST
- **Capacity**: 10,000
- **Blending/Surplus**: Vista Oil
- **Grade**: Regular
- **Approx. Age**: N/A
- **Steel/Fiberglass**: Fiberglass

## Installation Details
- **Location**: South Side Of Warehouse
- **Cover**: Concrete
- **Concrete, Block, Earth, etc.:** N/A
- **Fills**: Concrete, Blacktop, Earth, etc.
- **Vent**: N/A
- **Siphon**: N/A
- **Plumbing**: San Winter
- **Pumps**: Jukeheim

## Underwater Water
- **Depth to the Water Table from Grade**: Not Detect

## Fill-Up Arrangements
- **Tanks to be Filled**: 8:00 am
- **Date**: 10/6/54
- **Arranged by**: Vista Oil

## Contractor Information
- **Company**: Precision Tank Testing
- **Name**: Dan Morgan
- **Telephone**: 830-534-4660

## Other Information or Remarks
- Additional information on any items above. Officials or others to be advised when testing is in progress or completed. Visitors or observers present during test, etc.

## Test Method
- **Petro Tite**: Yes
- **Petro Comp**: No
- **Quick Check 2000**: No

## Test Results
- **Task Identification**: Regular Wax
- **Net Volume Change Per Hour**: N/A
- **Date Tested**: 10/6/54

## Sensor Certification
- **Technician**: Dan Morgan
- **Certification #:** 100893.0065

## Contractor Certification
- **Signature**: Precision Tank Testing, Dan Morgan
15. TANK TO TEST

**TANK #2**

**REGULAR UNL.**

Brand and Grade

15a. BRIEF DIAGRAM OF TANK FIELD

- [ ] DIESEL
- [ ] FUEL OIL
- [ ] WAREHOUSE

16. CAPACITY

Nominal Capacity: 10,000 Galons

By most accurate capacity chart available: 9,728 Galons

17. FILL-UP FOR TEST

- Black Water Bottom: 0 in.
- Tank Diameter: 9.2 in.
- Gallons: 0

18. SPECIAL CONDITIONS AND PROCEDURES TO TEST THIS TANK

- Water in tank: Yes
- Tank is empty
- Water table in tank excavation: Suction

19. TANK MEASUREMENTS FOR TSST ASSEMBLY

- Bottom of tank to grade: 152 in.
- Add 30 for "T" probe assembly: 30 in.
- Total tubing to assembly: 182 in.

20. EXTENSION HOSE SETTING

- Tank top to grade: 60 in.
- Extends hose on suction tube 8" or more below tank top: 46 in.

21. VAPOR RECOVERY SYSTEM

- Stage I: Yes
- Stage II: No

24b. COEFFICIENT OF EXPANSION

- Reciprocal: 0.6178
- Total quantity in this tank per °F: 1435
- Volume change in this tank per °F: 0.0068
- Transfer to Line 25a


- DIGITS PER °F IN TEST RANGE

25. (a) Total quantity in full tank (17) x (b) Coefficient of expansion for involved product = (c) Volume change in this tank per °F

26. (a) 6,786,067 x (b) 1,000 = (c) 6,786,067.0068

24c. FOR TESTING WITH WATER

- Water Temperature after Circulation: 75 °F
- Coefficient of Water: 0.6178
- Table D: 0.0068

25a. Added Surfactant? Yes

NOTES:

The above calculations are to be used for dry soil conditions to establish a positive pressure advantage. When using the four pound rule to compensate for the presence of subsurface water in the tank area, refer to N.F.P.A. 30, Sections 3-5.3.4 and 3-7.2 and the tank manufacturer regarding allowable system test pressures.
<table>
<thead>
<tr>
<th>Time</th>
<th>Procedure</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00</td>
<td>Arrived at location</td>
<td>Transport filled tank - BLEERO Air Eliminator - Took tank measurement</td>
</tr>
<tr>
<td>8:30</td>
<td>SET UP Filled equipment - BLEED AIR FROM SISTE</td>
<td></td>
</tr>
<tr>
<td>9:45</td>
<td>Start circulation</td>
<td></td>
</tr>
<tr>
<td>10:30</td>
<td>Take A.P.I. sample</td>
<td></td>
</tr>
<tr>
<td>10:00</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>10:15</td>
<td>Start high level test</td>
<td></td>
</tr>
<tr>
<td>10:20</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>10:30</td>
<td>END OF HIGH LEVEL</td>
<td></td>
</tr>
<tr>
<td>11:30</td>
<td>DROP TO 12&quot; MARK</td>
<td></td>
</tr>
<tr>
<td>12:15</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>12:20</td>
<td>Start low level test</td>
<td></td>
</tr>
<tr>
<td>12:25</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>12:35</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>12:45</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>12:55</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>13:00</td>
<td>1ST Readings</td>
<td></td>
</tr>
<tr>
<td>13:05</td>
<td>1ST Readings</td>
<td></td>
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</table>

### Table Data

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<thead>
<tr>
<th>Reading</th>
<th>Pressure</th>
<th>Level to Mark</th>
<th>Reading</th>
<th>Pressure</th>
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<th>Pressure</th>
<th>Level to Mark</th>
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<tbody>
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<td>1</td>
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<td>0.932</td>
<td>0.043</td>
<td>0.26</td>
<td>0.074</td>
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<td>0.065</td>
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<td>0.801</td>
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<td>0.21</td>
<td>0.648</td>
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<td>0.252</td>
<td>0.041</td>
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<td>0.036</td>
<td>0.245</td>
<td>0.045</td>
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<td>0.038</td>
<td>0.238</td>
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<td>0.035</td>
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</tbody>
</table>

### Additional Notes
- Sensor Calibration: 81.299
- Pressure Control: 30.00
- Volume Measurements: 31.00
- Temperature Compensation: 34.00
- Net Volume Changing Each Reading: 38.00
- Accumulated Change: 39.00

### Equipment
- BLEERO Air Eliminator
- Tank Measurement System
<table>
<thead>
<tr>
<th>Time</th>
<th>Reading</th>
<th>Pressure</th>
<th>Temp</th>
<th>Density</th>
<th>Viscosity</th>
<th>Density</th>
<th>Viscosity</th>
<th>Density</th>
<th>Viscosity</th>
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<td>0.065</td>
<td>3.368</td>
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<td>1.004</td>
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<td>0.720</td>
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<td>3.74</td>
<td>4.008</td>
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<td>0.006</td>
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<td>12.6</td>
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<td>1.720</td>
<td>0.060</td>
<td>3.86</td>
<td>4.010</td>
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<td>0.006</td>
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<tr>
<td>13:25</td>
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<td>12.7</td>
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<td>1.790</td>
<td>0.060</td>
<td>3.95</td>
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<td>-0.001</td>
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<td>1.790</td>
<td>0.060</td>
<td>4.03</td>
<td>4.008</td>
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<td>12.6</td>
<td>1.100</td>
<td>1.755</td>
<td>0.055</td>
<td>4.11</td>
<td>4.008</td>
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<td>-0.010</td>
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<tr>
<td>13:45</td>
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<td>-0.010</td>
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<td>13:50</td>
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<td>-0.010</td>
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<td>14:05</td>
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<td>0.050</td>
<td>4.65</td>
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<td>-0.010</td>
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<td>0.620</td>
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<td>4.80</td>
<td>4.010</td>
<td>0.016</td>
<td>-0.010</td>
</tr>
</tbody>
</table>

P-T Tank Test Data Chart

Additional Info

1. Net Volume Change at Conclusion of Precision Test:

Signature of Tester: [Signature]

Date: 10/16/94

2. Statement:

□ Tank and product handling system has been tested tight according to the Precision Test Criteria as established by regulatory agency. This is not intended to indicate permission of a leak.

OR

□ Tank and product handling system has failed the tank tightness test according to the Precision Test Criteria as established by regulatory agency.

OR

□ Test invalid due to environmental or mechanical factors beyond control of the testing equipment.

It is the responsibility of the owner and/or operator of this system to immediately advise state and local authorities of any implied hazard and the possibility of any reportable pollution to the environment as a result of the indicated failure of this system. The manufacturer of this test method does not assume any responsibility or liability for any loss of product to the environment.

Tank Owner/Operator: __________________________

Date: __________________________

-0141 - 007
### Data Chart for Tank System Tightness Test

**1. OWNER**
- **Name:** Joe L. Martini Jr.
- **Address:** 3000 N. McColl McAllen TX 78506
- **Telephone:** 697-6206

**2. OPERATOR**
- **Name:** Ramiro Morin
- **Address:** L+F Distributors
- **Telephone:** 697-6206

**3. REASON FOR TEST**
- **Test:** Annual tank test
- **Explain Fully:**
  - Ramiro Morin, Manager, L+F Distributors
  - 9/20/94

**4. TANK INVOLVED**
<table>
<thead>
<tr>
<th>Location</th>
<th>Cover</th>
<th>Hall</th>
<th>Approx Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southside of warehouse</td>
<td>Concrete</td>
<td>4/4</td>
<td>20</td>
</tr>
</tbody>
</table>

**5. INSTALLATION DATA**
- **Capacity:** 10,000
- **Unknown Supplier:** DIAB 1’14
- **Grade:** DIAB 1’14
- **Steel/Fiberglass:** FIBERGLASS
- **Rainfall:**
  - 2/21/95

**6. UNDERGROUND WATER**
- **Depth to water table from grade:** DON'T KNOW
- **Is the water over the tank?**
  - Yes

**7. FILL-UP ARRANGEMENTS**
- **Tanks to be filled:** 9:00 to 10:16 AM
- **Date:** 10/1/94
- **Company:** DIAB Oil
- **Terminal or other contact:**
  - Company Name: Precision Tank Testing
  - Company: DAD MORGAN
  - Date: 10/1/94

**8. CONTRACTOR, MECHANICS, any other contractor involved**
- **Company:** Precision Tank Testing
- **Name:** DAD MORGAN
- **Signature:**

**9. OTHER INFORMATION OR REMARKS**
Additional information on any item above. Officials or others to be advised when testing is in progress or completed. Visitors or observers present during test, etc.

**10. TEST METHOD**
- **PETRO TITE**
- **PETRO COMP**
- **QUICK CHECK 2000**

**11. TEST RESULTS**
- **Tank Identification:**
  - Type: Diesel
  - Date: 10/6/94
  - Deviation: YES
  - Deviation: -0.22

**12. SENSOR CERTIFICATION**
- **Date:** 1994
- **Sensor No. of Thermal Sensor:**

**13. CONTRACTOR CERTIFICATION**
- **Technicians:**
  - DAD MORGAN
  - Signature:
  - Testing Contractor at Company:
  - Address:

**Additional Remarks:**
- Tests were made on the above tank systems in accordance with test procedures prescribed for as detailed on attached test charts with results as follows:

**Tank Identification:** Diesel

**Date Tested:** 10/6/94

**Certification No.:** 100-9313-0135

**Additional Certification:**
- **Signature:**

---
## 15. TANK TO TEST

**Tank #1**

- **Brand and Grade**: Diesel
- **Identification by Position**: N
- **Location**: Warehouse

## 16. CAPACITY

- **Nominal Capacity**: 10,000 Gallons
- **By most accurate capacity chart available**: 9728 Gallons

## 17. FILL-UP FOR TEST

- **Tank Diameter**: In.
- **Gallons Before Fill-up**: 0

## 18. SPECIAL CONDITIONS AND PROCEDURES TO TEST THIS TANK

- **Water in tank**
- **Lines/being tested with material?**

## 19. TANK MEASUREMENTS FOR TSTT ASSEMBLY

- **Bottom of tank to grade**
- **Add 30° for T probe easy**: 60 in.
- **Total tubing to assemble**: 183 in.

## 20. EXTENSION HOSE SETTING

- **Tank top to grade**: 60 in.
- **Extend hose on suction tube 6" or more below tank top**: 6 in.

**USE WITH THERMAL SENSOR PN5039 (Blue Box)**

## 22. Thermosensor reading after circulation

- **Digits**: 2
- **Between**: 9.2
- **Digits per °F in range of expected change**:

## 24a. IF USING THERMAL SENSOR DTS-2000 OR QC-2000 WHICH READ 1000 DIGITS PER °F TRANSFER 1000 TO LINE 26, DIGITS PER °F IN TEST RANGE.

## 24b. COEFFICIENT OF EXPANSION RECIPROCAL METHOD

- **Type of Pressure**: Diesel
- **Hydrometer Employed**: H
- **Temperature in Tank After Circulation**: 80 °F
- **Temperature of Sample**: 87 °F
- **Difference (°F)**: 7 °F
- **Observed A.P.I. Gravity**: 35.0°

- **Reciprocal**: 2173

## 26. (a) %

- **Volume change per °F (25 or 34G)**

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4780</td>
<td>1000</td>
<td>0.045</td>
</tr>
</tbody>
</table>

- **This is the factor (x) to use in Table C.6b**
**LOG OF TEST PROCEDURES**

<table>
<thead>
<tr>
<th>DATE</th>
<th>RECORDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00</td>
<td>ARRIVED AT LOCATION</td>
</tr>
<tr>
<td></td>
<td>TRANSPORT FILLED TANK TO OWN TANK MEASUREMENTS - PRUDED AIR EXC.</td>
</tr>
<tr>
<td>9:30</td>
<td>SET UP FILLED EQUIPMENT - BLEED AIR FROM SYSTEM</td>
</tr>
</tbody>
</table>

| 10:00 | START CIRCULATION |
| 9:30  | TAKE A.P.I. SAMPLE |
| 11:45 | 1ST READINGS |

<table>
<thead>
<tr>
<th>DATE</th>
<th>RECORDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:15</td>
<td>1ST READINGS</td>
</tr>
<tr>
<td>12:20</td>
<td>START LOW LEVEL TEST</td>
</tr>
</tbody>
</table>

**HORIZONTAL PRESSURE CONTROL**

<table>
<thead>
<tr>
<th>Standpipe Level in Inches</th>
<th>Product in Grade</th>
<th>Product Recovered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of Reading</td>
<td>Levels to which restored</td>
<td>Before Reading</td>
</tr>
<tr>
<td>44.4</td>
<td>42</td>
<td>.000</td>
</tr>
<tr>
<td>14.8</td>
<td>42</td>
<td>.640</td>
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</table>

**VOLUME MEASUREMENTS (1) RECORD TO .01 CCF**

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<tr>
<th>Temperature Compensation Use Factor (2)</th>
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<tbody>
<tr>
<td>79.747</td>
</tr>
</tbody>
</table>

**NET VOLUME CHANGING EACH READING**

<table>
<thead>
<tr>
<th>Temperature Adjustment (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume Minutes Expansion (1) or Contraction (1)</td>
</tr>
<tr>
<td>Change per Hour</td>
</tr>
</tbody>
</table>

**ACCUMULATED CHANGE**

<table>
<thead>
<tr>
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<th>Recording</th>
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</thead>
<tbody>
<tr>
<td>8:00</td>
<td>ARRIVED AT LOCATION</td>
</tr>
<tr>
<td>9:30</td>
<td>SET UP FILLED EQUIPMENT - BLEED AIR FROM SYSTEM</td>
</tr>
<tr>
<td>10:00</td>
<td>START CIRCULATION</td>
</tr>
<tr>
<td>11:45</td>
<td>1ST READINGS</td>
</tr>
<tr>
<td>12:15</td>
<td>1ST READINGS</td>
</tr>
<tr>
<td>12:20</td>
<td>START LOW LEVEL TEST</td>
</tr>
</tbody>
</table>

**NOTES:**

- Diesel 10,000 gal
- 12" mark

---

*Note: The above text is a transcription of the document image.*
<table>
<thead>
<tr>
<th>Time</th>
<th>Reading 1</th>
<th>Reading 2</th>
<th>Reading 3</th>
<th>Reading 4</th>
<th>Reading 5</th>
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</thead>
<tbody>
<tr>
<td>13:10</td>
<td>12.8</td>
<td>115</td>
<td>128</td>
<td>1.070</td>
<td>1.05</td>
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<td>123</td>
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<td>1.05</td>
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<td>1.04</td>
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<td>200</td>
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</table>

**P-T Tank Test Data Chart**

**Additional Info**

1. Net Volume Change at Conclusion of Precision Test: **0.022 gph**

Signature of Tester: [Signature]

Date: **10/16/96**

2. Statement:

- □ Tank and product handling system has been tested tight according to the Precision Test Criteria as established by regulatory agency. This is not intended to indicate permission of a leak.
- □ Tank and product handling system has failed the tank tightness test according to the Precision Test Criteria as established by regulatory agency.

OR

- □ Test invalid due to environmental or mechanical factors beyond control of the testing equipment.

It is the responsibility of the owner and/or operator of this system to immediately advise state and local authorities of any implied hazard and the possibility of any reportable pollution to the environment as a result of the indicated failure of this system. The manufacturer of this test method does not assume any responsibility or liability for any loss of product to the environment.

Tank Owner/Operator: __________________________

Date: __________________________

---

[Notes on the graph]
Mr. Greg La Mantia

c/o L & F Distributors
P.O. Drawer 3068
McAllen, Texas 78501

Re: Notice of Release Detection Compliance Inspection; Facility ID No. 28077, L & F Distributors, 3900 N. McColl, McAllen, (Hidalgo), Texas

Dear Mr. La Mantia:

This is to notify you that the above-referenced facility is scheduled for an underground storage tank (UST) Compliance Inspection by the T.N.R.C.C. Region 15 Office. The purpose of this inspection is to assist you in evaluating the compliance status of this facility with respect to the requirements of 30 Texas Administrative Code (TAC) Section 334.50 (relating to Release Detection). Please be aware that any violations noted during this inspection will be forwarded to the Petroleum Storage Tank Division’s Enforcement Section in Austin for consideration of formal enforcement action. Each case will be reviewed individually to determine if formal enforcement action is warranted. Enforcement options available include enforcement orders and/or administrative penalties of up to $10,000 per day, or referral to the Office of the Attorney General for litigation. Pursuant to 31 TAC Section 334.12(c) (relating to Other General Provisions), the owner and/or operator of an UST, on the request of the Commission or the Executive Director, shall permit a designated agent or employee of the Commission at all reasonable times to have access to and to copy all records relating to the tanks.

The scheduled date and time for the inspection at the above-referenced facility is January 25, 1995 from 2:00 PM. to 4:00 PM. Gregory D. Goode, Commission Region 15 Field Inspector will be present to conduct an on-site inspection and records review at this time. At the time of the inspection, please have all applicable release detection records available for review by the Commission inspector pursuant to 30 TAC Sections 334.10(b) and 334.50(e), (relating to Recordkeeping and Release Detection Records respectively). Further, if you are currently using inventory control, we request that you have the preceding year’s inventory control records available for review and also have available extra
Mr. La Mantia  
Page 2  
January 12, 1995  
copies of these records, including monthly reconciliations, for the three (3) complete months prior to the scheduled inspection date. These copies should be submitted to the inspector at the time of the inspection. Additionally, please have a copy of your current Commission registration form available for review during the inspection.

You are also requested to have a representative who is knowledgeable with respect to the UST system present during the inspection. You or your representative should have available all keys, tools, and equipment necessary to allow the inspector access to the entire UST system and any related release detection equipment including all observation and/or monitoring wells and electronic systems.

Prior to the inspection, please have all manways and/or sumps clear of backfill, water or debris to allow for complete visual inspection of subpumps, line leak detectors, or other equipment.

To further assist you in preparing for this inspection, the Petroleum Storage Tank Division has provided to you a copy of the Release Detection Compliance Inspection Program Requirements. The manual is for your benefit only; the inspector will complete a duplicate checklist during the inspection. Please be aware that portions of this checklist may not apply to your facility.

Please contact Gregory Goode of my staff at (210) 968-3165 by telephone within two (2) days of receipt of this letter to confirm the scheduled inspection date and time and to answer any questions you may have. Your cooperation is appreciated.

Sincerely,

Carlos Rubinstein  
Waste Program Manager  
Region 15, Weslaco

CRW/GDG:rp
Please complete with typewriter or black pen.

<table>
<thead>
<tr>
<th>Call to:</th>
<th>GEORGE LABRANTIA, LDF DISTRIBUTORS</th>
<th>Call from:</th>
<th>TNRCC REGION 15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of call:</td>
<td>1-12-95 @ 9:43AM</td>
<td>File no.:</td>
<td></td>
</tr>
<tr>
<td>Phone no.:</td>
<td>(210) 687-6286</td>
<td>Subject:</td>
<td>C.E.I. NOTIFICATION FOR</td>
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<td></td>
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<td>Release Approval</td>
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<td>LDF DISTRIBUTORS</td>
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Information for file: Region 15 contacted the L.P. to clarify

Current Tank Status at the facility, Mr. LaMartia indicated that 1) 1,000 gal U.S.T. exists and is active.
This facility has not conducted new installation since Initial Registration. Region 15 advised of the notification process for the C.E.I. Mr. LaMartia acknowledged Information.

Signed

TNRCC-0025 (Rev. 09-01-93)
### DISTRICT 11 PST FACILITY INFO

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<th>ID No.</th>
<th>Owner</th>
<th>UST(s)</th>
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<th>Owner Information</th>
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Notification for Underground Storage Tanks

FOR TANKS IN TX
RETURN COMPLETED FORM TO
Underground Storage Tank Program
Texas Water Commission
P.O. Box 13087
Austin, TX 78711

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification process is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners and operators of underground storage tank that store or have stored regulated substances must notify designated State or local agencies of the existence of their tanks. The notification must be made in writing, either by mail or in person, to the appropriate State or local agency.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including underground piping) is 100 gallons or more and is located underground. Examples of underground storage tanks include:

1. gasoline, oil, or diesel fuel
2. industrial solvents, pesticides, herbicides or fungicides
3. liquefied petroleum gas
4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws.
5. surface impoundments, pits, ponds, or lagoons
6. storm water or waste water collection systems
7. flow-through process tanks
8. liquified gases or flare gas
9. storage tanks situated in an underground area (such as a basement, cellar, excavation, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 104 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Required notification forms should be sent to the address given at the top of this page.

When To Notify: 1. Owners of underground storage tanks in use or that have been taken out of service after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any person who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, individual, public agency, or other entity):

L & F DISTRIBUTORS

Street Address:
3600 W. M 201

County:
Hidalgo

City:
McAllen

Type of Owner: (Mark all that apply)

☐ Current
☐ State or Local Gov’t
☐ Former
☐ Federal Gov’t
☐ Private or Corporate
☐ (GSA facility I.D. No.)
☐ Ownership uncertain

II. LOCATION OF TANK(S)

Facility Name or Company Site Identifier, as applicable:

L & F DISTRIBUTORS

Street Address or State Road, as applicable:
3600 W. M 201

County:
Hidalgo

City (nearest):
McAllen

Indicate number of tanks at this location:

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here):

Fred Ferras

Job Title:

President

IV. TYPE OF NOTIFICATION

Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this form 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.

Name and official title of owner or owner’s authorized representative:

Fred Ferras

Signature:

Date Signed:

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<td>(Mark all that apply)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Currently in Use</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Temporarily Out of Use</td>
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<tr>
<td>Permanently Out of Use</td>
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<tr>
<td>Brought into Use after 5/8/86</td>
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<table>
<thead>
<tr>
<th>3. Estimated Total Capacity (Gallons)</th>
<th>Steel</th>
<th>Concrete</th>
<th>Fiberglass Reinforced Plastic</th>
<th>Unknown</th>
<th>Other, Please Specify</th>
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<th>4. Material of Construction</th>
<th>Cathodic Protection</th>
<th>Interior Lining (e.g., epoxy resins)</th>
<th>None</th>
<th>Unknown</th>
<th>Other, Please Specify</th>
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<th>5. Internal Protection</th>
<th>Cathodic Protection</th>
<th>Painted (e.g., asphaltic)</th>
<th>Fiberglass Reinforced Plastic Coated</th>
<th>None</th>
<th>Unknown</th>
<th>Other, Please Specify</th>
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<th>Galvanized Steel</th>
<th>Fiberglass Reinforced Plastic</th>
<th>Cathodically Protected</th>
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<th>Other, Please Specify</th>
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<td>Mark all that apply</td>
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<td>Diesel</td>
<td>Mark box if tank stores a mixture of substances</td>
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<td></td>
<td></td>
<td>Kerosene</td>
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<tr>
<td></td>
<td></td>
<td>Gasoline (including alcohol blends)</td>
<td>Used Oil</td>
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</thead>
<tbody>
<tr>
<td>in Greatest Quantity by Volume</td>
<td></td>
<td></td>
<td>Mark box if tank stores a mixture of substances</td>
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</tr>
<tr>
<td>(Mark all that apply)</td>
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<td>Used Oil</td>
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<table>
<thead>
<tr>
<th>9. Additional Information (for tanks permanently taken out of service)</th>
<th>a. Estimated date last used (mo/yr)</th>
<th>b. Estimated quantity of substance remaining (gal.)</th>
<th>c. Mark box if tank was filled with inert material (e.g., sand, concrete)</th>
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</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

EPA Form 7530-1 (11-85) Reverse
Notification for Underground Storage Tanks

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9003 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or resolution.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground storage tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owners means:

4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which are an intrastate pipeline facility regulated under State laws;
5. surface impoundments, pits, ponds, or lagoons;
6. storm water or waste water collection systems;
7. flow-through process tanks;
8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. storage tanks situated in an underground area (such as a basement, cellar, manhole, or vault) if the storage tank is situated within the building or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 111 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms shall be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use on or after January 1, 1974, but still in the ground, must notify by May 8, 1986; 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)
L+E DISTRIBUTORS
Street Address
3600 N. MCV CEN
County
Hidalgo
City
MC Allen
Area Code Phone Number
S12 8376206
Type of Owner (Mark all that apply)

☐ Private or Corporate
☐ Ownership uncertain
☐ Current
☐ State or Local Govt
☐ Former
☐ Federal Govt (GSA facility I.D. no.)

II. LOCATION OF TANK(S)

Facility Name or Company Site Identifier, as applicable
L+E DISTRIBUTORS
Street Address or State Road, as applicable
3600 N. MCV CEN
County
Hidalgo
City (nearest) State ZIP Code
MC Allen TX 78501
Indicate number of tanks at this location
2
Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section 1, mark box here)
Fred Faris
Job Title
President
Area Code Phone Number
S12 8376206

IV. TYPE OF NOTIFICATION

☐ Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this 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.

Name and official title of owner or owner's authorized representative
Fred Faris
Signature
Date Signed
4/12/86

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<tr>
<th>Field Description</th>
<th>Tank No. 1</th>
<th>Tank No. 2</th>
<th>Tank No. 3</th>
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</tr>
<tr>
<td>Mark all that apply (X)</td>
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<tr>
<td>Temporarily Out of Use</td>
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<td>Permanently Out of Use</td>
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<td>Brought into Use after 5/8/66</td>
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<tr>
<td><strong>2. Estimated Age (Years)</strong></td>
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</tr>
<tr>
<td><strong>3. Estimated Total Capacity (Gallons)</strong></td>
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<td>10,000</td>
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<td></td>
<td></td>
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<tr>
<td><strong>4. Material of Construction</strong></td>
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</tr>
<tr>
<td>Mark one (X)</td>
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<tr>
<td>Fiberglass Reinforced Plastic</td>
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<td>Other, Please Specify</td>
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<tr>
<td><strong>5. Internal Protection</strong></td>
<td>Cathodic Protection</td>
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<tr>
<td>(Mark all that apply (X))</td>
<td>Interior Lining (e.g., epoxy resins)</td>
<td>X</td>
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<td>None</td>
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<tr>
<td>Other, Please Specify</td>
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<tr>
<td><strong>6. External Protection</strong></td>
<td>Cathodic Protection</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(Mark all that apply (X))</td>
<td>Painted (e.g., asphaltic)</td>
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</tr>
<tr>
<td>Fiberglass Reinforced Plastic Coated</td>
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<td></td>
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<tr>
<td>None</td>
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<td></td>
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<tr>
<td>Unknown</td>
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<tr>
<td>Other, Please Specify</td>
<td></td>
<td></td>
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<tr>
<td><strong>7. Piping</strong></td>
<td>Bare Steel</td>
<td></td>
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<td></td>
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<tr>
<td>(Mark all that apply (X))</td>
<td>Galvanized Steel</td>
<td></td>
<td></td>
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<tr>
<td>Fiberglass Reinforced Plastic</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Cathodically Protected</td>
<td></td>
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<td></td>
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<tr>
<td>Unknown</td>
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<tr>
<td>Other, Please Specify</td>
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<tr>
<td><strong>8. Substance Currently or Last Stored</strong></td>
<td>a. Empty</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Greatest Quantity by Volume</td>
<td>b. Petroleum</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(Mark all that apply (X))</td>
<td>Diesel</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Kerosene</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Gasoline (including alcohol blends)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Used Oil</td>
<td></td>
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<td></td>
<td>Other, Please Specify</td>
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<td></td>
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<td></td>
<td>c. Hazardous Substance</td>
<td></td>
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<tr>
<td>Please Indicate Name of Principal CERCLA Substance OR Chemical Abstract Service (CAS) No.</td>
<td></td>
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</tr>
<tr>
<td>Mark box X if tank stores a mixture of substances</td>
<td></td>
<td></td>
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<tr>
<td>d. Unknown</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>9. Additional Information (for tanks permanently taken out of service)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Estimated date last used (mo/yr)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Estimated quantity of substance remaining (gal.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Mark box X if tank was filled with inert material (e.g., sand, concrete)</td>
<td></td>
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</tr>
</tbody>
</table>
GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that are used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1964, or that are brought into use after May 8, 1984. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored persistent or hazardous substances. It is expected that the information you provide will be used in reasonably available records, or in the absence of such records, your knowledge, belief or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that: under-exempted owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owners may notify the appropriate agency in advance, before the tank is brought into use after that date. Any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances must notify the appropriate agency in advance, before the tank is brought into use after that date. Any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances must notify the appropriate agency in advance, before the tank is brought into use after that date.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

What Locations Are Covered? All underground storage tanks that store regulated substances are covered by the notification requirements. The term "underground" shall be interpreted to mean that the tank is located at least three feet below the ground surface and that the tank is not predominantly above the ground surface.

Where To Notify? Completed notification forms should be sent to the appropriate agency in advance, before the tank is brought into use after that date. The notification forms must be submitted within 60 days of bringing the tank into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side and staple continuation sheets to this form.

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

L & F DISTRIBUTORS

Street Address

3900 N. M. C. 611

County

Hidalgo

City

McAllen

State

TX

ZIP Code

78501

Area Code

512

Phone Number

687-6266

Type of Owner (Mark all that apply)

[ ] Current
[ ] State or Local Gov't
[ ] Former
[ ] Federal Gov't (GSA facility)
[ ] Private or Corporate
[ ] Ownership uncertain

2. Mark box here if tanks are located on land within an Indian reservation or on other Indian trust lands.

II. LOCATION OF TANK(S)

(If same as Section I, mark box here)

Facility Name or Company Site Identifier, as applicable

L & F DISTRIBUTORS

Street Address or State Road, as applicable

3900 N. M. C. 611

County

Hidalgo

City (nearest)

McAllen

State

TX

ZIP Code

78501

Indicate number of tanks at this location

2

Mark box here if tanks are located on land within an Indian reservation or on other Indian trust lands.

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here)

Fred Farías

Job Title

V.President

Area Code

512

Phone Number

687-6266

IV. TYPE OF NOTIFICATION

[ ] Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this 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.

Name and official title of owner or owner's authorized representative

Fred Farías

Signature

[Signature]

Date Signed

[Date Signed]
<table>
<thead>
<tr>
<th>Status of Tank (Mark all that apply)</th>
<th>Tank No.</th>
<th>Tank No.</th>
<th>Tank No.</th>
<th>Tank No.</th>
<th>Tank No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Currently In Use</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Temporarily Out of Use</td>
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<tr>
<td>Permanently Out of Use</td>
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<tr>
<td>Brought into Use after 5/8/86</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Estimated Age (Years)  

3. Estimated Total Capacity (Gallons)  

4. Material of Construction (Mark one)  
   - Steel  
   - Concrete  
   - fiberglass Reinforced Plastic  
   - Unknown  
   - Other, Please Specify

5. Internal Protection (Mark all that apply)  
   - Cathodic Protection  
   - Interior Lining (e.g., epoxy resins)  
   - None  
   - Unknown  
   - Other, Please Specify

6. External Protection (Mark all that apply)  
   - Cathodic Protection  
   - Painted (e.g., asphallic)  
   - Fiberglass Reinforced Plastic Coated  
   - None  
   - Unknown  
   - Other, Please Specify

7. Piping (Mark all that apply)  
   - Bare Steel  
   - Galvanized Steel  
   - fiberglass Reinforced Plastic  
   - Cathodically Protected  
   - Unknown  
   - Other, Please Specify

8. Substance Currently or Last Stored in Greatest Quantity by Volume (Mark all that apply)  
   a. Empty  
   b. Petroleum  
     - Diesel  
     - Kerosene  
     - Gasoline (including alcohol blends)  
     - Used Oil  
   c. Hazardous Substance
   - Please Indicate Name of Principal CERCLA Substance  
   - Or  
   - Chemical Abstract Service (CAS) No.  
   - Mark box if tank stores a mixture of substances  
   d. Unknown

9. Additional Information (for tanks permanently taken out of service)  
   a. Estimated date last used (mo/yr)  
   b. Estimated quantity of substance remaining (gal)  
   c. Mark box if tank was filled with inert material (e.g., sand, concrete)
APPENDIX V

INTERVIEWS / ADDITIONAL INFORMATION
User Responsibilities Questionnaire

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 all users must provide the following information (if available) to Phase Engineering, Inc. Failure to provide this information could result in a determination that "all appropriate inquiries" is not complete.

1) Environmental cleanup liens that are filed or recorded against the property (40 CFR 312.25).
   Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state or local law? □ Yes □ No

2) Activity and land use (AUL's) limitations that are in place on the property or that have been filed or recorded in a registry (40 CFR 312.26 (a)(1)(v) and (vi)).
   Did a search of recorded land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions or institutional controls that are in place of the property and/or have been filed or recorded against the property under federal, tribal, state or local law? □ Yes □ No

3) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).
   Do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? □ Yes □ No

4) Relationship to the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).
   Does the purchase price being paid for this property reasonably reflect the fair market value of the property? □ Yes □ No
   If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? □ Yes □ No

5) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).
   Are you aware of commonly known or reasonably ascertainable information about the property that would help Phase Engineering, Inc. to identify conditions indicative of releases or threatened releases? For example, as user,
   a. Do you know the past uses of the property? □ Yes □ No
   b. Do you know of specific chemicals that are present or once were present at the property? □ Yes □ No
   c. Do you know of spills or other chemical releases that have taken place at the property? □ Yes □ No
   d. Do you know of any environmental cleanups that have taken place at the property? □ Yes □ No

6) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).
   Based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of releases at the property? □ Yes □ No

Comments from Questions 1-6:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please have the user(s) of the Phase I report answer and return this page with the signed letter of engagement. Please fax completed form back to Diana at (281) 200-0060. To submit this form via email, please send to: Diana@PhaseEngineering.com. If you have any questions, please call (832) 485-2225.

Property Address or Description: 

Print Name:  
Company:  
Date:  

Signature:  
Relation to property:  
(purchaser, lender, lessee, etc.)

© Phase Engineering, Inc. 5524 Cornish Street, Houston, TX 77007 (713) 476-9844
RECORD OF COMMUNICATION

Job #: 201901086

Job Address: Along East Nolana Avenue, McAllen, Texas

Contact: Mr. Reuben Bar-Yadin, Owner
210416.6999

Comments:
Phase Engineering Inc. has attempted to interview with Mr. Bar-Yadin via telephone and email prior to and after the site reconnaissance. A response is pending.

Date: 02/18/2019

Conducted By: Patti Gibson
Phase Engineering, Inc.
5524 Cornish Street
Houston, Texas 77007
patti@phaseengineering.com
832-485-2236
Date: 1/22/2019

To: City of McAllen
Fire Department
Fire Chief

Submit here

http://mygovhelp.org/MCALLENTX/cs/RequestOpen.aspx?sSessionID=5025412225YEDZKEJMPVSOWQGVPVYLRPDUFVPNVR&rgst=1

Phone: 956-681-2500
FAX: 956-681-2519
Email: jsalinas@mcallen.net

From: Phase Engineering, Inc.
5524 Cornish Street
Houston, TX 77008
713-476-9844

RE: Open Records Request
For: Phase Engineering Job: 201901086

Phase Engineering, Inc. is currently working on a Phase I Environmental Assessment of the property located at:

1. Address: Approximately 17.94 acres along East Nolana Avenue, McAllen, TX 78504 (near 1324 E Nolana Loop, McAllen, TX 78504)
2. Owner: South Padre Retail Center Ltd
3. Legal Description: McColl Tract W 17.94AC-3 Block 4
4. Hidalgo CAD #: 231011

We are requesting any information you may have concerning the storage, use, handling or dispensing of flammable liquid storage tanks, hazardous materials, or liquefied petroleum gas storage or incidents of environmental concern, at the above location or adjacent properties. Please notify us of any charges before proceeding.

Reply as soon as possible to: research@PhaseEngineering.com or Fax 713-476-9797
Thank you very much for your assistance!
Date: 1/22/2019

To: City of McAllen Health Department
Open Records

Phone: 956-681-1300
FAX: 956-681-1010

Submit here
http://mygovhelp.org/MCALLENTX/ cs/RequestOpen.aspx?sSessionID=5025412225YEDZ
KEJMPVSOWQGVYLPDUFVPNVR&rqst=1

From: Phase Engineering, Inc.
5524 Cornish Street
Houston, TX  77008
713-476-9844

RE: Open Records Request
For: Phase Engineering Job: 201901086

Phase Engineering, Inc. is currently working on a Phase I Environmental Assessment of the property located at:

1. Address: Approximately 17.94 acres along East Nolana Avenue, McAllen, TX 78504 (near 1324 E Nolana Loop, McAllen, TX 78504)
2. Owner: South Padre Retail Center Ltd
3. Legal Description: McColl Tract W 17.94AC-3 Block 4
4. Hidalgo CAD #: 231011

We would like to request any and all environmentally-related information, including, but not limited to notices of violation, complaints, fuel tank storage facilities, sample wells, grease traps, etc., based upon the Freedom of Information Act for this property. Please notify us of any charges before proceeding.

Please reply as soon as possible to: research@PhaseEngineering.com or Fax 713-476-9797.
Date: 1/22/2019

To: City of McAllen
City Secretary’s Office
Open Records Request

Submit here

http://mygovhelp.org/MCALLENTX/cs/RequestOpen.aspx?sSessionID=5025412225YEDZKEJMPV5QWPVYLRDFPVPNVR&rqst=1

Phone: 956-681-1300
FAX: 956-681-1010

From: Phase Engineering, Inc.
5524 Cornish Street
Houston, TX 77008
713-476-9844

RE: Open Records Request
For: Phase Engineering Job: 201901086

Phase Engineering, Inc. is currently working on a Phase I Environmental Assessment of the property located at:

1. Address: Approximately 17.94 acres along East Nolana Avenue, McAllen, TX 78504 (near 1324 E Nolana Loop, McAllen, TX 78504)
2. Owner: South Padre Retail Center Ltd
3. Legal Description: McColl Tract W 17.94AC-3 Block 4
4. Hidalgo CAD #: 231011

Please provide copies of all permits submitted/approved, certificates of occupancy and building plans for the above property; notify us of any charges before proceeding.

Please reply as soon as possible to: research@PhaseEngineering.com or Fax 713-476-9797

Thank you very much for your assistance!
COMMUNICATION RECORD

Job #: 201901086

Job Address: Approximately 17.94 acres along East Nolana Avenue, McAllen, TX 78504

Contact: City of McAllen Official Website
http://gis.mcallen.net/flexviewers/Development&Zoning/
Phone: 956-681-1250

Comments:

The subject property is zoned C-3L (Light Commercial) and R-3A (Apartments).

Date: 1/22/19
Sheila Aslani
Phase Engineering, Inc.
5524 Cornish Street, Houston, Texas 77007
research@phaseengineering.com
Section 6. User Responsibilities

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 all users must provide the following information (if available) to Phase Engineering, Inc. Failure to provide this information could result in a determination that “all appropriate inquiries” is not complete.

1) Environmental liens that are filed or recorded against the property (40 CFR 312.25).
   Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state or local law? □ Yes □ No

2) Activity and use limitations that are in place on the property or that have been filed or recorded against the property (40 CFR 312.26(a)(1)(v) and vii).
   Did a search of recorded land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state or local law? □ Yes □ No

3) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).
   As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? □ Yes □ No

4) Relationship to the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).
   Does the purchase price being paid for this property reasonably reflect the fair market value of the property? □ Yes □ No
   If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? □ Yes □ No

5) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).
   Are you aware of commonly known or reasonably ascertainable information about the property that would help Phase Engineering, Inc. to identify conditions indicative of releases or threatened releases? For example, as user,
   a. Do you know the past uses of the property? □ Yes □ No
   b. Do you know of specific chemicals that are present or once were present at the property? □ Yes □ No
   c. Do you know of spills or other chemical releases that have taken place at the property? □ Yes □ No
   d. Do you know of any environmental cleanups that have taken place at the property? □ Yes □ No

6) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).
   As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property? □ Yes □ No

Comments from Questions 1-6:
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

Please have the user(s) of the Phase I report answer and return this page with the signed letter of engagement.

Property Address or Description:
_____________________________________________________________________________________________

Print Name: ________________________________ Company: _______________________ Date: ____________

Signature: _________________________________ Relation to property: ________________________________
(purchaser, lender, owner, lessee, etc.)
Texas Historical Commission

Archaeological Projects

Areas surveys to locate archaeological sites. Includes project areas, transmission lines and pipelines. Includes projects mapped since 2001.

- Archeological Projects - Linear
- Archeological Projects - Polygon

Texas Historical Commission

Neighborhood Surveys

Point data showing locations of resources located by any of several resources surveys. Most of the locations for older surveys were determined by address geocoding. The locations for some of the more recent surveys were determined by GPS.

- Neighborhood Survey

Sources: Texas Historical Commission, ESRI

Copyright ©2016 Phase Engineering, Inc.

PEI Project No: 201901086
U.S. FWS Threatened & Endangered Species Active Critical Habitats

Critical habitat is a term defined and used in the Act. It is a specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. An area is designated as “critical habitat”

An area designated as critical habitat is not a refuge or sanctuary for the species. Listed species and their habitat are protected by the Act whether or not they are in an area designated as critical habitat.

- Critical Habitat - Final - Linear Features
- Critical Habitat - Final - Polygonal Features
- Critical Habitat - Proposed - Linear Features
- Critical Habitat - Proposed - Polygonal Features
OUR DRINKING WATER IS REGULATED

This report is a summary of the quality of the water we provide to our customers. The analysis was made using the data from the most recent Texas Commission of Environmental Quality and U.S. Environmental Protection Agency required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about your drinking water supply.

ALL DRINKING WATER MAY CONTAIN CONTAMINANTS

When drinking water meets federal standards, there may not be any health benefits to purchasing bottled water or point-of-use devices (such as a faucet filtration system). Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of these contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA’s Safe Drinking Water Hotline at 1-800-426-4791. The TCEQ completed an assessment of your source water and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for your water system are based on this susceptibility and previous sample data. Any detections of these contaminants may be found in this Consumer Confidence Report.

SECONDARY CONSTITUENTS

Many constituents such as calcium, sodium, or iron, which are often found in drinking water, can cause taste, color, or odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas. These constituents are not causes for health concern; therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

REQUIRED ADDITIONAL HEALTH INFORMATION FOR LEAD

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high-quality drinking water but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline at (800) 426-4791.

SOURCE OF DRINKING WATER

The sources of drinking water (both tap and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

- **Microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- **Inorganic contaminants**, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- **Pesticides and herbicides**, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.
- **Organic chemical contaminants**, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems.
- **Radioactive contaminants**, which can be naturally occurring or be the result of oil and gas production and mining activities.

SPECIAL NOTICE

You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. Infants, some elderly, or immunocompromised persons such as those undergoing chemotherapy for cancer; those who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders can be particularly at risk from infections. You should seek advice about drinking water from your physician or health care provider. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe Drinking Water Hotline at (800) 426-4791.
WHERE DO WE GET OUR DRINKING WATER?

The source of drinking water used by McAllen Public Utility is Surface Water. This information describes the susceptibility and types of constituents that may come into contact with your drinking water source based on human activities and natural conditions. The information contained in the assessment allows us to focus source water protection strategies. Some of this source water assessment information is available on Texas Drinking Water Watch at http://dww.tceq.state.state.tx.us/DWW. For more information on source water assessments and protection efforts at our system, please contact us. MPU receives water from the Falcon and Amistad Dams, located in Starr and Val Verde Counties, respectively.

WATER TREATMENT PROCESS

Our water is transferred from the Rio Grande River by the Irrigation districts into our reservoirs. A reservoir is an artificial lake used to store water. Here in the City of McAllen we have three reservoirs.

- Boeye Reservoir was established in 1958. This reservoir can hold up to 180 million gallons.
- The North Water Plant Reservoir was established in 2004 and can hold 200 million gallons.
- The new Boeye Reservoir was established in 2011 and can hold up to 300 million gallons.

Disinfection
Disinfection is the first step in the water treatment process. In this step we will combine chlorine and sodium chlorite to generate chlorine dioxide. It is then injected into our raw water line where it will kill harmful bacteria.

Secondary Disinfection
A second disinfection process occurs by utilizing chlorine and ammonia to form chloramines. This secondary disinfection process ensures that disinfection is carried out to the distribution systems.

Flocculation
Coagulant is introduced to raw water and mixed rapidly to create a floc. Water will flow through decreasingly slower mixers allowing floc to conglomerate.

Sedimentation
After the flocculation process, water flows into a sedimentation basin. This basin allows the floculated water to settle. A detention time of at least 6 hours is required to allow the floc to settle. The settled floc called sludge is then collected with a rake system to the center of the basin. The sludge is then disposed of to the lagoons then dewatered and hauled to sanitary landfills.

Filtration
Filtration is the final step in removing suspended matter and chlorine resistant microorganisms such as Giardia and Cryptosporidium. These filters consist of anthracite coal, and two types of sand which are coarse and fine and various sizes of gravel, which are layered on top of an under drain system.

Pumping and Storage
After the treatment process, the water is sent to storage domes which can hold up to 2 million gallons each. From there, we have several pumps that push up to 30 million gallons in the system, including the water towers. These water towers store up to 6.75 million gallons of water.
HOW TO READ YOUR WATER QUALITY REPORT

List of regulated, monitored, inorganic, radioactive, semivolatile, volatile and organic compounds.

- **Contaminants**
  - Collection Date: 4/25/2016
  - Highest Level Detected: 4.0
  - Range of Levels Detected: <1.0 - 4.0
  - MCLG: N/A
  - MCL: 50
  - Units: ppb
  - Violation: No
  - Likely Source of Contamination: Discharge from drilling wastes; discharge from metal refineries; erosion of natural deposits.

DEFINITIONS AND ABBREVIATIONS

The following tables contain scientific terms and measures, some of which may require explanation.

- **Action Level**: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

- **Action Level Goal (ALG)**: The level of a contaminant in drinking water below which there is no known or expected risk to health. ALGs allow for a margin of safety.

- **Avg**: Regulatory compliance with some MCLs are based on running annual average of monthly samples.

- **Level 1 Assessment**: A Level 1 assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.

- **Level 2 Assessment**: A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

- **Maximum Contaminant Level or MCL**: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

- **Maximum Contaminant Level Goal or MCLG**: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

- **Maximum residual disinfectant level or MRDL**: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

- **Maximum residual disinfectant level goal or MRDLG**: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

- **MFL**: million fibers per liter (a measure of asbestos)

- **mrem**: millirems per year (a measure of radiation absorbed by the body)

- **na**: not applicable.

- **NTU**: nephelometric turbidity units (a measure of turbidity)

- **pCi/L**: picocuries per liter (a measure of radioactivity)

- **ppb**: micrograms per liter or parts per billion - or one ounce in 7,350,000 gallons of water.

- **ppm**: milligrams per liter or parts per million - or one ounce in 7,350 gallons of water.

- **ppq**: parts per quadrillion, or picograms per liter (pg/L)

- **ppt**: parts per trillion, or nanograms per liter (ng/L)
### Lead and Copper

<table>
<thead>
<tr>
<th>Lead and Copper</th>
<th>Date Sampled</th>
<th>MCLG</th>
<th>Action Level (AL) (MCL)</th>
<th>90th Percentile</th>
<th>Range of Individual Samples</th>
<th>Range of Units</th>
<th>Violation</th>
<th>Likely Source of Contamination</th>
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</thead>
<tbody>
<tr>
<td>Copper</td>
<td>09/01/2015</td>
<td>1.3</td>
<td>1.3</td>
<td>0.1407</td>
<td>0.0042-0.032 ppm</td>
<td>ppm</td>
<td>No</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits.</td>
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<tr>
<td>Lead</td>
<td>09/01/2015</td>
<td>0.15</td>
<td>0.0017</td>
<td>&lt;0.001-0.007 ppm</td>
<td>No</td>
<td></td>
<td>No</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits.</td>
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</table>

### Water Quality Test Results: Regulated Contaminants

#### Disinfection By-Products

<table>
<thead>
<tr>
<th>Disinfection By-Products</th>
<th>Collection Date</th>
<th>Highest Level Detected</th>
<th>Range of Individual Samples</th>
<th>MCLG</th>
<th>MCL</th>
<th>Units</th>
<th>Violation</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorite</td>
<td>2017</td>
<td>0.85</td>
<td>0-0.85</td>
<td>1</td>
<td>ppm</td>
<td>No</td>
<td>By-product of drinking water disinfection.</td>
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<tr>
<td>Haloacids (HAAS)</td>
<td>2017</td>
<td>17</td>
<td>8.6-25</td>
<td>60</td>
<td>ppb</td>
<td>No</td>
<td>By-product of drinking water disinfection.</td>
<td></td>
</tr>
<tr>
<td>Total Trihalomethanes (TTHM)</td>
<td>2017</td>
<td>45</td>
<td>9.2-39.8</td>
<td>80</td>
<td>ppb</td>
<td>No</td>
<td>By-product of drinking water disinfection.</td>
<td></td>
</tr>
</tbody>
</table>

#### Inorganic Contaminants

<table>
<thead>
<tr>
<th>Inorganic Contaminants</th>
<th>Collection Date</th>
<th>Highest Level Detected</th>
<th>Range of Individual Samples</th>
<th>MCLG</th>
<th>MCL</th>
<th>Units</th>
<th>Violation</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>2017</td>
<td>2.0</td>
<td>0-2.0</td>
<td>10</td>
<td>ppb</td>
<td>No</td>
<td>Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.</td>
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<tr>
<td>Barium</td>
<td>2017</td>
<td>0.101</td>
<td>0.0939-0.101</td>
<td>2</td>
<td>ppm</td>
<td>No</td>
<td>Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.</td>
<td></td>
</tr>
<tr>
<td>Cyanide</td>
<td>2017</td>
<td>70</td>
<td>40-70</td>
<td>200</td>
<td>ppb</td>
<td>No</td>
<td>Discharge from plastic and fertilizer factories; Discharge from steel/metal factories.</td>
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<tr>
<td>Fluoride</td>
<td>2017</td>
<td>0.6</td>
<td>0.53-0.58</td>
<td>4</td>
<td>ppm</td>
<td>No</td>
<td>Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.</td>
<td></td>
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<tr>
<td>Nitrate [measured as Nitrogen]</td>
<td>2017</td>
<td>0.18</td>
<td>0.11-0.18</td>
<td>10</td>
<td>ppm</td>
<td>No</td>
<td>Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.</td>
<td></td>
</tr>
<tr>
<td>Selenium</td>
<td>2017</td>
<td>3.0</td>
<td>0-3.0</td>
<td>50</td>
<td>ppb</td>
<td>No</td>
<td>Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.</td>
<td></td>
</tr>
</tbody>
</table>

#### Radionuclides

<table>
<thead>
<tr>
<th>Radionuclides</th>
<th>Collection Date</th>
<th>Highest Level Detected</th>
<th>Range of Individual Samples</th>
<th>MCLG</th>
<th>MCL</th>
<th>Units</th>
<th>Violation</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta/photon emitters</td>
<td>02/09/2017</td>
<td>4.6</td>
<td>4.6-4.6</td>
<td>50</td>
<td>pCi/L*</td>
<td>No</td>
<td>Decay of natural and man-made deposits.</td>
<td></td>
</tr>
<tr>
<td>Combined Radium 226/228</td>
<td>02/09/2017</td>
<td>&lt;1.0</td>
<td>0-1.0</td>
<td>5</td>
<td>PCi/L</td>
<td>No</td>
<td>Erosion of natural deposits.</td>
<td></td>
</tr>
<tr>
<td>Gross alpha excluding radon and uranium</td>
<td>02/09/2017</td>
<td>5.1</td>
<td>4.5-5.1</td>
<td>15</td>
<td>pCi/L</td>
<td>No</td>
<td>Erosion of natural deposits.</td>
<td></td>
</tr>
<tr>
<td>Uranium</td>
<td>02/09/2017</td>
<td>2.2</td>
<td>2.2-2.2</td>
<td>30</td>
<td>ug/l</td>
<td>No</td>
<td>Erosion of natural deposits.</td>
<td></td>
</tr>
</tbody>
</table>

#### Disinfectant Residual

<table>
<thead>
<tr>
<th>Disinfectant Residual</th>
<th>Year</th>
<th>Average Level</th>
<th>Range of Levels Detected</th>
<th>MRDL</th>
<th>MRDLG</th>
<th>Unit of Measure</th>
<th>Violation</th>
<th>Source in Drinking Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloramines</td>
<td>2017</td>
<td>3.31</td>
<td>3.17-3.45</td>
<td>4</td>
<td>ppm</td>
<td>No</td>
<td>Water additive used to control microbes.</td>
<td></td>
</tr>
</tbody>
</table>

**Information Statement:** Turbidity is a measurement of the cloudiness of the water caused by suspended particles. We monitor it because it is a good indicator of water quality and the effectiveness of our filtration.

### Total Organic Carbon

The percentage of Total Organic Carbon (TOC) removal was measured each month and the system met all the TOC removal requirements set, unless a TOC violation is noted in the violations section.
The purpose of this map is to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. This map is not intended to determine if a home in a given zone should be tested for radon. Homes with elevated levels of radon have been found in all three zones.

Sections 307 and 309 of the Indoor Radon Abatement Act of 1988 (IRAA) directed the EPA to list and identify areas of the U.S. with the potential for elevated indoor radon levels. EPA's Map of Radon Zones assigns each of the 3,141 counties in the U.S. to one of three zones based on radon potential using the five factors to determine radon potential: 1) indoor radon measurements; 2) geology; 3) aerial radioactivity; 4) soil permeability; and 5) foundation type. For more information, refer to Preliminary Geologic Radon Potential Assessment of Texas from USGS Geologic Radon Potential of EPA Region 6, Open-File Report 93-292-F.
Table 4. Residential Radon Measurements by County (continued)

<table>
<thead>
<tr>
<th>County</th>
<th>Mean</th>
<th>Number</th>
<th>&gt;4 pCi/l</th>
<th>&gt;20 pCi/l</th>
<th>Percent Minimum</th>
<th>Percent Maximum</th>
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<tr>
<td>GRAYSON</td>
<td>1.2</td>
<td>14</td>
<td>7.1</td>
<td>.0</td>
<td>&lt;.5</td>
<td>5.3</td>
</tr>
<tr>
<td>GREGG</td>
<td>1.0</td>
<td>22</td>
<td>4.5</td>
<td>.0</td>
<td>&lt;.5</td>
<td>7.1</td>
</tr>
<tr>
<td>GRIMES</td>
<td>.5</td>
<td>3</td>
<td>.0</td>
<td>.0</td>
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<tr>
<td>GUADALUPE</td>
<td>1.3</td>
<td>17</td>
<td>5.9</td>
<td>.0</td>
<td>&lt;.5</td>
<td>5.4</td>
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<tr>
<td>HALE</td>
<td>7.9</td>
<td>18</td>
<td>38.9</td>
<td>11.1</td>
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<td>HANSFORD</td>
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<td>.6</td>
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<td>HASKELL</td>
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</table>
US F&WS National Wetlands Inventory and Riparian Habitats
The U.S. Fish and Wildlife Service is the principal Federal agency that provides information to the public on the extent and status of the Nation's wetlands. These data delineate the areal extent of wetlands and surface waters as defined by Cowardin et al. (1979). Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation, some deepwater reef communities (coral or tuberficid worm reefs), and certain types of "farmed wetlands". Riparian areas are lands that occur along watercourses and water bodies. Typical examples include flood plains and streambanks. They are distinctly different from surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by the presence of water.

**Wetland and Deepwater Habitats**
- Freshwater Forested/Shrub Wetland
- Freshwater Emergent Wetland
- Freshwater Pond
- Estuarine and Marine Wetland
- Riverine
- Lake
- Estuarine and Marine Deepwater

**Riparian Habitats**
- Forested/Shrub Riparian
- Herbaceous Riparian
- Other

**Other Freshwater Wetland**
WETLANDS AND DEEPWATER HABITATS CLASSIFICATION

System

1 - Subtidal
2 - Intertidal

Subsystem

Class

RB – Rock Bottom
UB – Unconsolidated Bottom
AB – Aquatic Bed
RF – Reef

Subclass

1 Bedrock
2 Rubble
1 Algal
2 Mollusk
1 Bedrock
2 Rubble
1 Cobble-Gravel
3 Rooted Vascular
3 Rooted Vascular
3 Worn
2 Sand
3 Worn
4 Floating Vascular

AB – Aquatic Bed

1 Algal
2 Mollusk
3 Rooted Vascular
3 Rooted Vascular
3 Worn
3 Worn
4 Floating Vascular

RF – Reef

1 Coral
1 Coral
1 Bedrock
2 Rubble
1 Coral
1 Bedrock
2 Rubble
2 Mollusk
3 Worn
4 Floating Vascular

RS – Rocky Shore

1 Bedrock
1 Bedrock
1 Cobble-Gravel
2 Sand
3 Mud
4 Organic

UB – Unconsolidated Bottom

1 Cobble-Gravel
2 Sand
3 Mud
4 Organic

US – Unconsolidated Shore

1 Cobble-Gravel
2 Sand
3 Mud
4 Organic

AB** – Aquatic Bed

1 Algal
2 Aquatic Moss
3 Rooted Vascular
4 Floating Vascular

SB – Streambed

1 Bedrock
2 Rubble
1 Coarse-Gravel
2 Sand
3 Mud
4 Organic

RS – Rocky Shore

1 Bedrock
1 Bedrock
1 Cobble-Gravel
2 Sand
3 Mud
4 Organic

EM – Emergent

1 Persistent
2 Non-persistent
5 Phragmites australis

SS – Scrub-Shrub

1 Broad-Leaved Deciduous
2 Needle-Leaved Deciduous
3 Broad-Leaved Evergreen
4 Needle-Leaved Evergreen
5 Dead
6 Deciduous
7 Evergreen

FO – Forested

1 Broad-Leaved Deciduous
2 Needle-Leaved Deciduous
3 Broad-Leaved Evergreen
4 Needle-Leaved Evergreen
5 Dead
6 Deciduous
7 Evergreen

System

1 - Tidal
2 – Lower Perennial
3 – Upper Perennial
4* - Intermittent
5* – Unknown Perennial

Subsystem

Class

RB** – Rock Bottom
SB** – Streambed
AB – Aquatic Bed
RS – Rocky Shore
US – Unconsolidated Shore
EM – Emergent

Subclass

1 Bedrock
2 Rubble
1 Cobble-Gravel
2 Sand
3 Mud
4 Organic
1 Bedrock
2 Rubble
1 Cobble-Gravel
2 Non-persistent
2 Sand
3 Mud
4 Organic
5 Vegetated

* Intermittent is limited to the Streambed Class;
Unknown Perennial is limited to Unconsolidated Bottom Class code RSUB only
** Rock Bottom is not permitted for the Lower Perennial Subsystem;
Streambed is limited to Tidal and Intermittent Subsystems

Classification of Wetlands and Deepwater Habitats of the United States, Cowardin et al. 1979

Page 1 of 2

February, 2011
WETLANDS AND DEEPWATER HABITATS CLASSIFICATION

**System**

- L - Lacustrine

**Subsystem**

1 - Limnetic

2 - Littoral

**Class**

- RB – Rock Bottom
- UB – Unconsolidated Bottom
- AB – Aquatic Bed

**Subclass**

- Bedrock
- Rubble
- Sand
- Mud
- Organic

**System**

P - Palustrine

**Class**

- RB – Rock Bottom
- UB – Unconsolidated Bottom
- AB – Aquatic Bed
- US – Unconsolidated Shore
- ML – Moss-Lichen
- EM – Emergent
- SS – Scrub-Shrub
- FO – Forested

**Subclass**

- Bedrock
- Rubble
- Sand
- Mud
- Organic

**Special Modifiers**

- Soil

**Water Chemistry**

- Coastal Halinity
- Inland Salinity
- pH Modifiers for all Fresh Water
- Soil

**Water Regime**

- Nontidal
- Saltwater Tidal
- Freshwater Tidal

**Special Modifiers**

- Beaver
- Partly Drained/Ditched
- Farmed
- Diked/Impounded
- Artificial
- Spoil
- Excavated

**In order to more adequately describe the wetland and deepwater habitats, one or more of the water regime, water chemistry, soil, or special modifiers may be applied at the class or lower level in the hierarchy. The farmed modifier may also be applied to the ecological system.**
Noise Sources Map

Note: Property location and boundary are representative only.
The National Plan of Integrated Airport Systems (NPIAS) identifies existing and proposed airports in Texas that are significant to the national air transportation. The NPIAS contains all commercial service airports, all reliever airports, and selected general aviation airports.

- **Major Airport** - This category includes all civil airports with a minimum of 9,000 emplanements annually.
- **Minor Airport** - Includes all nonprimary public airports which are not considered as a major noise source.

**Airport Noise Map**

1:285,000

**Airports per NPIAS Report (updated 2017)**

Sources: Federal Aviation Administration, Department of Defense, National Transportation Atlas, TxDOT, ESRI

Copyright ©2016 Phase Engineering, Inc.
Noise Assessment Location

Combined DNL of 58.1 dB

Note: Property location and boundary are representative only.

Subject Property

NAL

Noise Sources

PEI Project No: 201901086
### 201901086: Noise Calculation Data

#### Projected 2% Annual Growth

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Nolana Ave</td>
<td></td>
<td>31074</td>
<td>31695</td>
<td>32329</td>
<td>32976</td>
<td>33635</td>
<td>34308</td>
<td>34994</td>
<td>35694</td>
<td>36408</td>
<td>37136</td>
<td>37879</td>
</tr>
<tr>
<td><strong>45 mph</strong></td>
<td>Total Cars</td>
<td>30670</td>
<td>31283</td>
<td>31909</td>
<td>32547</td>
<td>33198</td>
<td>33862</td>
<td>34539</td>
<td>35230</td>
<td>35935</td>
<td>36654</td>
<td>37387</td>
</tr>
<tr>
<td>Truck Traffic¹ =</td>
<td>Total Medium Trucks</td>
<td>1%</td>
<td>303</td>
<td>309</td>
<td>315</td>
<td>322</td>
<td>328</td>
<td>335</td>
<td>341</td>
<td>348</td>
<td>355</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>Total Heavy Trucks</td>
<td>0%</td>
<td>101</td>
<td>103</td>
<td>105</td>
<td>107</td>
<td>109</td>
<td>112</td>
<td>114</td>
<td>116</td>
<td>118</td>
<td>121</td>
</tr>
<tr>
<td>N Jackson Rd</td>
<td></td>
<td>21171</td>
<td>21594</td>
<td>22026</td>
<td>22467</td>
<td>22916</td>
<td>23374</td>
<td>23842</td>
<td>24319</td>
<td>24805</td>
<td>25301</td>
<td>25807</td>
</tr>
<tr>
<td><strong>50 mph</strong></td>
<td>Total Cars</td>
<td>20769</td>
<td>21184</td>
<td>21608</td>
<td>22040</td>
<td>22481</td>
<td>22930</td>
<td>23389</td>
<td>23857</td>
<td>24334</td>
<td>24821</td>
<td>25317</td>
</tr>
<tr>
<td>Truck Traffic¹ =</td>
<td>Total Medium Trucks</td>
<td>1%</td>
<td>302</td>
<td>308</td>
<td>314</td>
<td>320</td>
<td>327</td>
<td>333</td>
<td>340</td>
<td>347</td>
<td>353</td>
<td>361</td>
</tr>
<tr>
<td></td>
<td>Total Heavy Trucks</td>
<td>0%</td>
<td>101</td>
<td>103</td>
<td>105</td>
<td>107</td>
<td>109</td>
<td>111</td>
<td>113</td>
<td>116</td>
<td>118</td>
<td>120</td>
</tr>
</tbody>
</table>

#### Railroad

<table>
<thead>
<tr>
<th>Railroad</th>
<th>Train ATO</th>
<th>% Night Traffic</th>
<th>Typical Speed Over Crossing</th>
<th>Within 1/4 Mile of At-Grade Crossing?</th>
<th>Bolted Tracks?</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Airport

<table>
<thead>
<tr>
<th>Airport</th>
<th>Distance</th>
<th>Outside Noise Contours</th>
</tr>
</thead>
<tbody>
<tr>
<td>McAllen Miller International</td>
<td>4.1 miles</td>
<td>yes</td>
</tr>
</tbody>
</table>

#### Noise Assement Locations (NAL)

<table>
<thead>
<tr>
<th>Noise Sources</th>
<th>Effective Distance (feet)</th>
<th>10-year DNL</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Nolana Ave</td>
<td>700</td>
<td>55.98</td>
</tr>
<tr>
<td>N Jackson Rd</td>
<td>885</td>
<td>53.9</td>
</tr>
</tbody>
</table>

**NAL Combined DNL:** 58.1

---

ADT = Average Daily Traffic Count  
DNL = Day/Night Noise Level  
1 = Percent of Truck Traffic is obtained from the TxDOT Statewide Planning Map  
2 = Breakdown of Truck Traffic is assumed, 75% Medium Trucks and 25% Heavy Trucks  
Note: When percentage of truck traffic is not available, the default is 15% Medium Trucks and 5% Heavy Trucks of the total ADT
DNL Calculator

**WARNING:** HUD recommends the use of Microsoft Internet Explorer for performing noise calculations. The HUD Noise Calculator has an error when using Google Chrome unless the cache is cleared before each use of the calculator. HUD is aware of the problem and working to fix it in the programming of the calculator.

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the [Day/Night Noise Level Calculator Electronic Assessment Tool Overview](https://www.hudexchange.info/environmental-review/daynight-noise-level-electronic-assessment-tool/).

**Guidelines**

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

### DNL Calculator

<table>
<thead>
<tr>
<th>Site ID</th>
<th>201901086 - Northeast Corner of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record Date</td>
<td>02/19/2019</td>
</tr>
<tr>
<td>User's Name</td>
<td>Phase Engineering RS</td>
</tr>
</tbody>
</table>

**Road # 1 Name:** E. Nolana Ave

[https://www.hudexchange.info/environmental-review/dnl-calculator/](https://www.hudexchange.info/environmental-review/dnl-calculator/)
### Vehicle Type

<table>
<thead>
<tr>
<th></th>
<th>Cars</th>
<th>Medium Trucks</th>
<th>Heavy Trucks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Distance</td>
<td>700</td>
<td>700</td>
<td>700</td>
</tr>
<tr>
<td>Distance to Stop Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Speed</td>
<td>45</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Average Daily Trips (ADT)</td>
<td>37387</td>
<td>369</td>
<td>123</td>
</tr>
<tr>
<td>Night Fraction of ADT</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Road Gradient (%)</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Vehicle DNL</td>
<td>55.0257</td>
<td>44.9687</td>
<td>47.0333</td>
</tr>
</tbody>
</table>

**Calculate Road #1 DNL** 55.9839

---

### Road # 2 Name: N. Jackson Rd

### Road #2

<table>
<thead>
<tr>
<th></th>
<th>Cars</th>
<th>Medium Trucks</th>
<th>Heavy Trucks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Distance</td>
<td>885</td>
<td>885</td>
<td>885</td>
</tr>
<tr>
<td>Distance to Stop Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Speed</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Average Daily Trips (ADT)</td>
<td>25317</td>
<td>368</td>
<td>123</td>
</tr>
<tr>
<td>Night Fraction of ADT</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Road Gradient (%)</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Vehicle DNL</td>
<td>52.7201</td>
<td>44.3444</td>
<td>45.5056</td>
</tr>
</tbody>
</table>

**Calculate Road #2 DNL** 53.9271

---

**Add Road Source**

https://www.hudexchange.info/environmental-review/dni-calculator/
Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative**: Cancel the project at this location
- **Other Reasonable Alternatives**: Choose an alternate site
- **Mitigation**
  - Contact your Field or Regional Environmental Officer (/programs/environmental-review/hud-environmental-staff-contacts/)
  - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
  - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
  - Incorporate natural or man-made barriers. See The Noise Guidebook (/resource/313/hud-noise-guidebook/)
  - Construct noise barrier. See the Barrier Performance Module (/programs/environmental-review/bpm-calculator/)

Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (/resource/3822/day-night-noise-level-assessment-tool-user-guide/)

Day/Night Noise Level Assessment Tool Flowcharts (/resource/3823/day-night-noise-level-assessment-tool-flowcharts/)
Two Diked Diesel ASTs ASD For People of 136-Feet

Two pipelines were identified 200-feet west of the subject property. Both contain Natural Gas which is not considered an explosive hazard.

Explosive and Flammable Facilities
Acceptable Separate Distance (ASD) from Explosive and Flammable Operations

Subject Property  ASD for People  1/4 Mile Radius
Acceptable Separation Distance (ASD) Electronic Assessment Tool

The Environmental Planning Division (EPD) has developed an electronic-based assessment tool that calculates the Acceptable Separation Distance (ASD) from stationary hazards. The ASD is the distance from above ground stationary containerized hazards of an explosive or fire prone nature, to where a HUD assisted project can be located. The ASD is consistent with the Department's standards of blast overpressure (0.5 psi-buildings) and thermal radiation (450 BTU/ft² - hr - people and 10,000 BTU/ft² - hr - buildings). Calculation of the ASD is the first step to assess site suitability for proposed HUD-assisted projects near stationary hazards. Additional guidance on ASDs is available in the Department's guidebook "Siting of HUD-Assisted Projects Near Hazardous Facilities" and the regulation 24 CFR Part 51, Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature.

**Note:** Tool tips, containing field specific information, have been added in this tool and may be accessed by hovering over the ASD result fields with the mouse.

**Acceptable Separation Distance Assessment Tool**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes:</th>
<th>No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the container above ground?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the container under pressure?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the container hold a cryogenic liquified gas?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the container diked?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the volume (gal) of the container?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the Diked Area Length (ft)?</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>What is the Diked Area Width (ft)?</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>Calculate Acceptable Separation Distance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diked Area (sqft)</td>
<td>729</td>
<td></td>
</tr>
<tr>
<td>ASD for Blast Over Pressure (ASDBOP)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ASD for Thermal Radiation for People (ASDPPU)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Calculate ASD](https://www.hudexchange.info/environmental-review/asd-calculator/)
| ASD for Thermal Radiation for People (ASDPNPD) | 135.56 |
| ASD for Thermal Radiation for Buildings (ASDBNPD) | 22.95 |

For mitigation options, please click on the following link: Mitigation Options (/resource/3846/acceptable-separation-distance-asd-hazard-mitigation-options/)

Providing Feedback & Corrections
After using the ASD Assessment Tool following the directions in this User Guide, users are encouraged to provide feedback on how the ASD Assessment Tool may be improved. Users are also encouraged to send comments or corrections for the improvement of the tool.

Please send comments or other input using Ask A Question (/ask-a-question/my-question/). Enter "Environmental Review" in the "My question is related to" field.

Related Information
- ASD Flow Chart (/resource/3840/acceptable-separation-distance-asd-flowchart/)
<table>
<thead>
<tr>
<th>MAP LEGEND</th>
<th>Soils</th>
<th>Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Rating Polygons</td>
<td>Prime farmland if irrigated and reclaimed of excess salts and sodium</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Farmland of local importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and reclaimed of excess salts and sodium</td>
<td>Farmland of unique importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if protected from flooding or not frequently flooded during the growing season</td>
<td>Not rated or not available</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained</td>
<td>Soil Rating Points</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season</td>
<td>Not prime farmland</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if subsoiled, completely removing the root inhibiting soil layer</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if protected from flooding or not frequently flooded during the growing season</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if subsoiled, completely removing the root inhibiting soil layer</td>
<td>Prime farmland if irrigated and drained</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained</td>
<td>Farmland of unique importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and reclaimed of excess salts and sodium</td>
<td>Not rated or not available</td>
</tr>
<tr>
<td></td>
<td>Farmland of statewide importance</td>
<td>Soil Rating Points</td>
</tr>
<tr>
<td></td>
<td>Farmland of local importance</td>
<td>Not prime farmland</td>
</tr>
<tr>
<td></td>
<td>Farmland of unique importance</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td></td>
<td>Not rated or not available</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated</td>
<td>Prime farmland if irrigated and drained</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Prime farmland if irrigated and drained</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60</td>
<td>Farmland of unique importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained</td>
<td>Not rated or not available</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Farmland of unique importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Not rated or not available</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Water Features</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Farmland of unique importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Farmland of local importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td></td>
<td>Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season</td>
<td>Not rated or not available</td>
</tr>
</tbody>
</table>
The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hidalgo County, Texas
Survey Area Data: Version 17, Sep 15, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 8, 2015—Feb 18, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
Farmland Classification

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Hidalgo sandy clay loam, 0 to 1 percent slopes</td>
<td>All areas are prime farmland</td>
<td>7.6</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td></td>
<td><strong>7.6</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

**Description**

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

**Rating Options**

*Aggregation Method: No Aggregation Necessary*

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

*Tie-break Rule: Lower*
The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.
APPENDIX VI

LETTER OF ENGAGEMENT
Perform a Phase I Environmental Site Assessment (ESA) to comply with the ASTM E 1527-13 Standard and §10.305 Subchapter D of the TDHCA 2019 Uniform Multifamily Application, including ASTM Non Scope Considerations: Vapor Encroachment Screening, a Noise Assessment, an opinion for testing of asbestos, lead based paint, and lead in drinking water. The report will be applicable to the attached Agreement for Environmental Professional Services.

- Includes: Electronic version in PDF with findings, opinions, conclusions and recommendations. Originals @ $125.00 each.
- Delivery: Final ESA report approximately 15 business days from signed letter of engagement. Delivery charges may apply, not to exceed $30.00 per delivery, unless client arranges for pick-up at their own expense.
- Terms: Net due prior to receipt of final report.
- $125/hour for additional hours of consulting beyond the scope of work, if required.

If the above terms and attached Agreement for Professional Environmental Consulting Services (General Terms & Conditions) are acceptable, please sign and fax (eFax 281-200-0060) or email (proposals@phaseengineering.com) a copy of this letter to serve as a letter of engagement and notification to proceed. The following information is needed to complete by scheduled delivery date:

1. Current owner of the property and telephone number.
2. Contact name and telephone number.
3. Access to the property, which may include keys or combinations, if applicable.
4. All complete environmental reports.
5. Survey, site plan and legal description. Survey does not have to be new if it reflects the property correctly.
6. Detailed project description and proposed site plan.
7. All entities for which the report will be addressed and invoicing information. If this information is not given to Phase Engineering, Inc. in a legible format, the above named will be identified as user of the report and will be invoiced directly.

Thank you for the opportunity to work with you and your environmental needs. If you have any questions, please call me at (832) 485-2227.

Tracy Watson

Accepted By: ___________________________ Date: 1/21/19
Print Name: ___________________________
Section 1 – General Terms and Conditions

1.1 Definitions

“Agreement” means this Agreement for Professional Environmental Consulting Services.
“Party” (or collectively, “Parties”) means PEI and Client, unless expressly stated otherwise in this Agreement.
“PEI” means Phase Engineering, Inc.
“Engagement Letter” the instrument delivered by PEI to the Parties
“Services” has the meaning set forth in Section 1.2 below.

Any capitalized terms not otherwise defined in this Agreement have the meanings given to them under the Engagement Letter.

1.2 Services

The professional environmental consulting services to be provided by PEI for the Client are set forth in the Engagement Letter, and such services, including subsequent services, changed, altered or additional services are hereinafter called the “Services”.

1.3 Standard of Care

PEI shall perform the services under this agreement with that degree of care, skill and diligence generally accepted as typical of the industry in the performance of such services as contemplated by the Agreement at the time and location such services are rendered. PEI shall employ only competent staff and sub-contractors who will be under the supervision of a senior member of PEI’s staff.

1.4 Rights of Entry, Site Information and Utilities

The Client shall provide right of entry for PEI and its subcontractors to carry out the Services, unless specified otherwise in the Engagement Letter. The Client warrants that it has furnished to PEI all information known to, or in possession or control of, the Client relating to the past and existing environmental conditions of the site, including but not limited to soil and geologic data, contaminants, wastes, petroleum products, controlled substances, hazardous materials, and subsurface utilities. The Client shall extend use and reliance of this information to PEI, unless stated otherwise and to the extent permitted by law. Such information shall be and remain confidential as between the Client and PEI and PEI shall not disclose same to any third party unless required by law.

1.5 Safety

1.5.1 PEI maintains a General Health and Safety Plan, a copy of which will be provided to the Client on written request and will fall under Section 1.8 Subsequent Changes of this Agreement unless this service is included in the Engagement Letter.
1.5.2 PEI shall take every precaution reasonable in the circumstances for the protection of the workers providing any of the Services. When required and prior to any field work being carried out, PEI shall provide the Client with a comprehensive site-specific safety plan for providing the Services. Such request must be made in writing by the Client prior to commencement of the Services by PEI and will fall under Section 1.9 Subsequent Changes of this Agreement unless included in the Engagement Letter.

1.6 Investigations and Reports

1.6.1 Findings: The findings of any investigation undertaken as part of the Services will be based upon information generated as a result of the specific scope of the Services as described in the Engagement Letter.
1.6.2 Restoration: The Client accepts that in the normal course of the Services some damage to existing ground or other surface finishes may occur, the restoration of which shall be the responsibility of the client or as specified in the Engagement Letter.
1.6.3 Investigations: The parties acknowledge and accept that unique risks exist whenever engineering or related disciplines are applied to identify environmental conditions and even a comprehensive sampling and testing program may fail to detect certain conditions. Because of the inherent uncertainties in environmental evaluations, changed or unanticipated conditions may occur or become known subsequent to PEI’s investigation that could affect conclusions, recommendations, total Project cost and/or execution. Changes in conditions are subject to amendments to the Scope of Services.
1.6.4 Confidentiality and Reliance: Any Final Report or draft reports and the information contained therein shall be treated as confidential and, unless otherwise agreed to by PEI and the Client, the information, sampling data, analysis, findings, conclusions and recommendations (if any), may be used and relied upon only by the Client, its officers, directors and employees and professional advisors in the performance of their obligations for or on behalf of the Client. Any such use and reliance shall be subject to the limitations set forth in this agreement. In addition, the Client may submit any report to a regulatory authority or lender for the purpose of obtaining financing on a property.
1.6.5 Third Party Reliance: This Agreement and the Services provided are for Consultant and Client’s sole benefit and exclusive use with no third party beneficiaries intended. Reliance upon the Services and any work product is limited to Client, and is not intended for third parties. In the event PEI agrees, in its sole and absolute discretion, to make the Report available to a third party not mentioned in Paragraph 1.6.4, the Third Party shall be required to obtain the original Clients release, sign PEI’s standard Authorized User Agreement (AUA) and pay PEI a fee of not less than $350.00. Any such use shall be subject to the terms, conditions and limitations set forth in this Agreement, the Report and the AUA.

1.7 Ownership of Records/Reports:

All documents or records created or prepared by PEI in the performance of the Services are considered PEI’s professional work product and shall remain the copyright property of PEI, subject to any reasonable disclosure request from the Client as may be necessary and for which reasonable reimbursement for copies is provided.

1.8 Disposal and Samples

1.8.1 Disposal of all wastes generated from the subject property shall be the responsibility of the Client.
1.8.2 PEI shall be responsible for appropriate disposal of sample material and sample residuals after 30 days following submission of the Final Report unless the Client specifically requests otherwise.
1.9 Subsequent Changes
With the consent of PEI, the Client may in writing at any time after the execution of this Agreement or the commencement of the Services delete, extend, increase, vary or otherwise alter the Services. The Parties further agree that such changes shall alter the Services, schedule and/or the costs. Any such changes shall be made in writing with reference to this Agreement, and accepted in writing by both Parties.

1.10 Delays
Neither Party shall be liable or penalized for delays or failure to perform its Services if the same is caused directly or indirectly by circumstances beyond a Party’s reasonable control. The Client shall not hold PEI responsible for damages or delays in performance caused by the Client, acts of God, acts and/or omissions of governmental authorities and regulatory agencies or other events which are beyond the reasonable control of the Parties.

1.11 Payment
1.11.1 The PEI shall invoice the Client in accordance with the provisions set forth in the Engagement Letter. Except as stated in the Engagement Letter, the Client shall pay to PEI at its corporate office each invoice within 30 days of the date of the invoice without holdback. Interest at a rate of 1.5% per month or the maximum rate allowed by law, whichever is lower, may be charged on all overdue amounts.
1.11.2 In the event of a disputed billing, only the disputed portion will be withheld from payment, and the undisputed portion will be paid. The Client shall exercise reasonableness in disputing any bill or portion thereof. No interest will accrue on any disputed portion of the billing until mutually resolved.
1.11.3 If the Client fails to make payment of any sum due hereunder within a reasonable time period, Client acknowledges and agrees that the subject Invoice will be referred to legal collections, and any amount in aggregate less than Ten Thousand Dollars U.S. ($10,000) will be referred to small claims court in Harris County, Texas.

1.12 Suspension or Termination
The Client may at any time by notice in writing to PEI, suspend or terminate the Services or any portion thereof at any stage of the Project. Upon receipt of such written notice by the Client, PEI shall perform no further Services other than those reasonably necessary to close out its Services. In such an event, PEI shall invoice the Client for the portion of the Services completed and shall be entitled to payment in accordance with Section 1.9. Once the Services are completed the Client assumes the risk of Frustration of Purpose.

1.13 Insurance
1.13.1 PEI agrees to carry and maintain the following minimum insurance coverages for the term of this Agreement:
   - Worker’s Compensation Insurance: Statutory requirement amounts
   - Commercial General Liability: $1,000,000 per occurrence
   - Automobile Liability Insurance: $1,000,000 per occurrence for both owned and non-owned vehicles
   - Professional Liability and Contractors Professional Insurance: $1,000,000 per occurrence
1.13.2 PEI’s current Certificate of Insurance is provided with the Engagement Letter. If the Client requests to be a named as a certificate holder, this request must be made in writing to PEI prior to commencement of the Services.
1.13.3 PEI will renew the Professional Liability Insurance at or above the minimum coverage for period of two (2) years after completion of the Services.
1.13.4 If the Client requests that PEI increase the amount of insurance coverage or obtain other special insurance for the Project, PEI shall endeavor forthwith to obtain such increased or special insurance at the Client's expense.
1.13.5 Each of PEI and Client waive all claims, losses, damages and rights of recovery against the other to extent of the limits of coverage under any commercial general liability or property insurance policy actually obtained by a Party to this Agreement (or, in the case of PEI, to the extent obtained or required to be obtained by PEI under this Agreement). In addition, each Party shall exercise commercially reasonable efforts to cause to waive subrogation under its commercial general liability and property insurance policies and provide any necessary endorsements thereto.

1.14 Indemnity/Statute of Limitations.
EACH OF PEI AND CLIENT SHALL INDEMNIFY AND HOLD HARMLESS THE OTHER AND THEIR RESPECTIVE AGENTS, EMPLOYEES, SUCCESSORS AND ASSIGNS FROM AND AGAINST LEGAL LIABILITY FOR CLAIMS, LOSSES, DAMAGES, AND EXPENSES TO THE EXTENT SUCH CLAIMS, LOSSES, DAMAGES, OR EXPENSES ARE LEGALLY DETERMINED TO BE CAUSED BY THEIR NEGLIGENT ACTS, ERRORS, OR OMISSIONS. IN THE EVENT SUCH CLAIMS, LOSSES, DAMAGES, OR EXPENSES ARE LEGALLY DETERMINED TO BE CAUSED BY THE JOINT OR CONCURRENT NEGLIGENCE OF PEI AND CLIENT, THE PARTIES SHALL BEAR LIABILITY IN PROPORTION TO ITS OWN NEGLIGENCE UNDER COMPARATIVE FAULT PRINCIPLES. NEITHER PARTY SHALL HAVE A DUTY TO DEFEND THE OTHER PARTY, AND NO DUTY TO DEFEND IS HEREBY CREATED BY THIS INDEMNITY PROVISION AND SUCH DUTY IS EXPLICITLY WAIVED UNDER THIS AGREEMENT. CAUSES OF ACTION ARISING OUT OF PEI'S SERVICES OR THIS AGREEMENT, REGARDLESS OF CAUSE OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY OR OTHER RECOVERY, SHALL BE DEEMED TO HAVE ACCRUED AND THE APPLICABLE STATUTE OF LIMITATIONS SHALL COMMENCE TO RUN NO LATER THAN THE DATE OF PEI'S SUBSTANTIAL COMPLETION OF SERVICES ON THE PROJECT.

1.15 Limitation of Liability.
1.15.1 Notwithstanding any other provisions contained herein, it is understood and agreed that PEI’s liability to the Client for all claims arising out of this Agreement, or in any way relating to the Services, will be limited to direct damages and/or to the specific performance of any Services not meeting the Standard of Care set forth herein and such liability will, in the aggregate, not exceed the sum of the coverages shown on PEI’s Certificate of Insurance in effect at the time of the claim.
1.15.2 No claim may be brought against PEI more than Two (2) years after the Services were completed under this Agreement, or as negotiated between PEI and the Client.
1.16 Consequential Damages.
EXCEPT AS EXPRESSLY PROVIDED IN THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR LOSS OF PROFITS OR REVENUE, LOSS OF USE OR OPPORTUNITY, LOSS OF GOOD WILL, COST OF SUBSTITUTE FACILITIES, GOODS, OR SERVICES, COST OF CAPITAL, OR FOR ANY SPECIAL, CONSEQUENTIAL, INDIRECT, PUNITIVE, OR EXEMPLARY DAMAGES.

1.17 Regulatory Reporting Requirements
Client recognizes that hazardous substances or contaminants may be discovered at the subject property in the course of provision of the Services by PEI under conditions that may be reportable to Federal or State environmental regulatory agencies. The “duty to report” is ultimately the responsibility of the landowner unless the condition represents an acute threat to human health or the environment. PEI will notify the Client of any such reportable condition. The Client will notify the Landowner, or under mutual agreement, authorize PEI to perform such notification to the landowner.

Section 2 – MISCELLANEOUS PROVISIONS

2.1 Notices:
All notices under this Agreement shall be in writing. It shall be sufficient in all respects if the Notice is delivered by hand, sent by any electronic means, including email or facsimile transmission, with confirmation (“Transmission”) during normal business hours, or sent by registered mail, postage prepaid, addressed to the Parties shown on the Engagement Letter or to such other address as either Party shall designate by written notice to the other Party. Any notice so given shall be deemed to have been given and to have been received on the day of delivery, if so delivered, or on the third Business Day (excluding each day during which there exists any interruption of postal services due to strike, lockout or other cause) following the mailing thereof, if so mailed, and on the day that notice was sent by Transmission, provided such day is a Business Day (a Business Day being any day of the week save and except for Saturday and Sunday) and if not, on the first Business Day thereafter.

2.2 Entire Agreement, Modifications, Headings, Severability:
The Parties acknowledge that this Agreement and the Engagement Letter constitutes the entire agreement between them and supersedes all prior representations, warranties, agreements, and understandings, oral or written, between the Parties with respect to its subject matter. Unless stated otherwise in this Agreement, this Agreement may not be modified except in writing signed by both Parties. The headings to this Agreement are for convenience and reference purposes only and shall not constitute a part of the Agreement. If any element of this Agreement is later held to violate the law or a regulation, it shall be deemed void, and all remaining provisions shall continue in force.

2.3 Effect:
This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns provided that it may not be assigned by either Party without the consent of the other, which consent shall not be unreasonably withheld.

2.4 Survival:
All representations and obligations (including without limitation the mutual obligations of indemnification) shall survive the termination of this Agreement and expire five (5) years from the date of completion of Services.

2.5 Waiver of Rights:
Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if made in writing and signed by the Party granting such waiver or consent, and is valid only in the specific instance and for the specific purpose for which it has been granted. No failure on the part of any Party to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

2.6 Applicable Law:
This Agreement shall be governed by, and interpreted and enforced in accordance with, the laws in the State of Texas and the laws of The United States of America, as applicable.

2.7 Dispute Resolution:
Excepting Section 1.11 for the purpose of this Agreement, any disagreement arising between the Parties to this Agreement with reference to the interpretation of this Agreement or any matter arising hereunder and upon which the Parties cannot agree shall be referred to mediation. Reference to mediation shall be to a single mediator and in accordance with the laws of mediation in the State of Texas. The costs of the mediator shall be shared equally by the Parties on an interim basis as may be necessary provided however that the mediator shall have the discretion to award costs of the proceeding, including costs of the mediator. The venue for such mediation is agreed to be Harris County, Texas

2.8 Contract Documents:
The Contract Documents consist of the documents listed. If there is a conflict with the Contract Documents, the conflicting terms will be governed in the order of priority set forth as follows: 1. Agreement 2. Engagement Letter
It is our goal to provide quality Environmental Site Assessments and Related Professional Services at a fair price within the clients’ required delivery date.

Since 1993 our in-house licensed and certified Environmental Professionals team continues to provide consistent quality, detailed attention to our client’s requests, and full service environmental reports which set Phase Engineering, Inc. apart. Phase Engineering, Inc. has provided over 20,000 nationwide professional quality and timely Environmental Assessments and Property Condition Assessments for the private and public commercial real estate industries.

Whether you are a lender, a broker, an attorney, a buyer/seller, a property manager, a developer, or a property owner; Phase Engineering has the right service at the right price point for you. We work diligently to meet our clients timing and unique requirements. As any qualified Environmental Consultant knows, Environmental Site Assessments are not created equal. Phase Engineering is qualified to ensure your reports are done to the highest standards and regulations to help to protect the client’s interest. Please check out our “Dare to Compare” website page for more information on how you can qualify your environmental vendors.

We pride ourselves in keeping current our licenses and certifications to give the client a more informed and educated solution. The following are among our company’s licenses and certifications:

- Professional Engineering Firm
- Professional Geoscientist Firm
- Licensed Asbestos Consultant Agency
- Licensed Mold Assessment Company
- Certified Lead Firm
- Leaking Petroleum Storage Tank (LPST) Corrective Action Specialist (CAS)
- Wetlands United States Army Corp of Engineers Delineation Course Certified
- Storm Water & Pollution Prevention Certified Preparer of SWPPP (CPSWPPP) and (CCIS)
- Radon

www.PhaseEngineering.com
Professional Services

The professional licensed and technical staff at Phase Engineering, Inc. are **annually involved nationwide in over 1000 environmental site assessments, Property Condition Assessments and related services.** Our professional services include all aspects of the environmental due diligence for all types of commercial real estate clients. Phase Engineering is qualified to ensure your reports are done to the highest standards and regulations to help to protect the client’s interest. Phase Engineering, Inc. provides a full range of professional environmental services for the real estate transaction business world as listed below:

**Environmental Site Assessments**

- Phase I Environmental Site Assessments include site assessments prepared to: EPA “All Appropriate Inquiries” (AAI) rule, Phase I Environmental Site Assessments as per ASTM Standard E 1527, Small Business Administration (SBA) SOP 50 10 5, etc.
- Client specific requirements such as Fannie Mae, FDIC, Freddie Mac, HUD, DHCA, NEPA, USDA, FDIC, TDHCA, Oil & Gas, etc.
- Transaction Screens per ASTM Standard E 1528
- Wetlands Determination, Delineations, Mitigation Plans, and Permitting
- Endangered Species Reviews
- Record Search with Risk Assessment Reports
- Desktop Reviews
- Environmental Data Services
- Prior Environmental Report Reviews (Third Party Reviews)

**Phase II Environmental Site Assessments / Consulting**

- Phase II Environmental Site Assessments are specific to the nature of the project. A typical example is an investigation of an underground storage tank site. This requires sampling of soil and groundwater.
- Leaking Petroleum Storage Tank Corrective Action Project Management (CAPM) and Corrective Action Specialist (CAS) Services
- Voluntary Cleanup Program (VCP) (TCEQ) and (RRC) Consulting
- Innocent Owner Program (IOP) Consulting
- Resource Conservation and Recovery Act (RCRA) Corrective Action Site Project Management
- Dry Cleaning Remediation Program Consulting Services
- Vapor Assessments
- Municipal Settings Designation (MSD) Services
- Brownfields Site Assessment and Advisory Services
- Operation Cleanup Program (RRC) Consulting Services
Professional Services (continued)

- Oil & Gas Due Diligence
- Underground Injection and Control (UIC) Permits and Registrations for Remediation Applications
- Remediation Feasibility, Design, and Implementation
- Monitoring and Post-Closure Care
- Groundwater Monitoring
- Prior Environmental Report Reviews
- RCRA Corrective Action Site Project Management
- Litigation Support

Waste Management and Compliance

- Industrial and Hazardous Waste Registration, Permitting, and Reporting
- Waste Management Unit Closures

Building and Facilities Assessments

- Property Condition Assessments per ASTM E 2018
- Asbestos Inspections, Management & Consulting
- Lead Based Paint and Lead in Water Inspections, Risk Assessments & Consulting
- Mold Assessments & Consulting
- Indoor Air Quality Assessments
- Storm Water Pollution Prevention (SWPPP) Plans, Audits & Inspections
- Spill Prevention, Control and Counter measure (SPCC) Plans
- Client Specific Compliance Services
Professional Services (continued)

National Environmental Policy Act (NEPA)

- Categorical Exclusions
- Environmental Assessments
- Housing and Urban Development (HUD) 24 CFR Part 58 Reviews (CDBG, HOME, NSP, Disaster Recovery, Public Housing Programs, etc.)
- Part 50 compliance – HUD Form 4128 Environmental Review Checklist
- USDA Rural Development Environmental Reviews per 7 CFR Part 1970 policies and procedures
- Federal Communications Commission (FCC) NEPA compliance for communication or transmission towers and facilities
- TxDOT NEPA compliance
- Section 106 Historic Preservation
- Noise Surveys and Mitigation
- Explosive Hazards Assessments
- Wetland Delineation and Mitigation
- HUD’s 8-Step Decision-Making Process for Developing in a Floodplain or Wetland (24 CFR Part 55)
- Environmental Justice Assessments
Licenses & Certifications
Phase Engineering, Inc. and the staff at Phase Engineering, Inc. are licensed and certified in all related areas to give the client a more informed and educated solution.

Registered Professional Engineering Firm
Licensed Professional Geoscientist Firm

Asbestos
- Consultant Agency
- Consultant
- Project Designer
- Management Planner
- Air Monitoring
- Inspector

Indoor Air Quality
- Mold Assessment Company
- Mold Assessment Consultant
- Mold Assessment Technician

Lead
- Lead Firm
- Risk Assessor
- Inspector

Storage Tanks
- Corrective Action Specialist (CAS)
- LPST Corrective Action Manager (CAPM)

Wetlands
- United States Army Corp of Engineers Delineation Course Certified

Storm Water & Pollution Prevention
- Certified Preparer of SWPPP (CPSWPPP) and (CCIS)

Radon
- Residential Radon Measurement Provider
Recognized Associations

Keeping with the latest rules and regulations in the environmental field, Phase Engineering, Inc. and its staff are dedicated to current standards and legal issues by being involved with several professional associations:

- **ASTM** Committee Environmental Site Assessments for Commercial Real Estate Transactions & ASTM Phase II Task Force
- **ASTM** Teaching Staff - Phase I & Phase II Environmental Site Assessments
- Risk Management Association Board (RMA)
- Society of Wetland Scientists (SWS)
- Certified Commercial Investment Member (CCIM)
- Commercial Real Estate Women (CREW)
- Environmental Bankers Association (EBA)
- Houston Geological Society (HGS)
- Association of Commercial Real Estate Professionals (ACRP)
- Commercial Real Estate Network (CREN)
- Society of Industrial and Office Realtors (SIOR)
- Institute of Real Estate Management (IREM)
- Urban Land Institute (ULI)
- National Association of Government Guaranteed Lenders (NAGGL)
- Houston Association of Government Guaranteed Lenders (HAGGL)
- North Texas Association of Government Guaranteed Lenders (NTAGGL)
- Central Texas Association of Government Guaranteed Lenders (CTAGGL)
- El Paso Texas Association of Government Guaranteed Lenders (EPAGGL)
- Texas Bankers Association (TBA)
- Independent Bankers Association of Texas (IBAT)
- National Registry of Environmental Professionals (NREP)
- Texas Association of Environmental Professionals (TAEP)
- Commercial Real Estate Association of Montgomery County (CREAM)
- Houston Realty Business Coalition (HRBC)
- Texas Affiliation Of Affordable Housing Providers (TAAHP)
- **ASTM** Committee D18 on Soil and Rock, Subcommittee on Geospatial Technology
- Geological Association of America (GSA), South-Central Section, Environmental & Engineering Geology Division
- Houston Geological Society (HGS), Environmental and Engineering Group
- Urban and Regional Information Systems Association (URISA)
Recognized Associations (continued)

- Texas Association of Environmental Professionals (TAEP)
- Texas Association Professional Geoscientists (TAPG)
- Texas Board of Professional Geoscientists (TBPG)
- American Institute of Professional Geologists (AIPG), Texas Section, AIPG District IV – Southeast Texas
Online Proposal Request

Our online proposal request system is designed with you in mind to streamline the proposal request process in order to efficiently and quickly get your proposal to you when submitted online by you.

Your success is our success, and this online process helps expedite getting your project underway and completed on time.

Proposal requests may be submitted online at www.PhaseEngineering.com.

1. Begin at our website at www.PhaseEngineering.com to set up your own account.

2. At the bottom of the homepage, there is a section called "Request for Proposal". Below this heading (and below the log in username/password), you will see a link to create a "New user? Create an account here".

3. When you click on the link, your browser will take you to a new login page. On this page, you will see a section called "New Users".

4. Create your own username (preferably something that you will remember like your name [i.e. first initial and last name]) and your own password and insert your contact information.

5. Finally, click "Create Account".

Your account should be created, and you can go back to our homepage and order a proposal.

If you have any questions or comments, please contact Diana Hedrick at Diana@PhaseEngineering.com or Melanie Edmundson at Melanie@PhaseEngineering.com.

Phase Engineering’s quoted delivery for completed Phase I Environmental Site Assessments is approximately two weeks. Phase Engineering, Inc. does realize that there are circumstances when the client needs results faster and will work to accommodate. Rush reports can be prepared in approximately one week with an added rush fee (rush delivery may result in data gaps due to time constraints).

All pricing and delivery of services is generally on a site specific basis depending on the scope of the assignment with the clients required guidelines.

Pricing differentials may apply for large acreage or difficult properties.

www.PhaseEngineering.com
**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
BancorpSouth Insurance Services, Inc.
3355 W Alabama Street
Ste 850
Houston TX 77098

**INSURED**
Phase Engineering, Inc
5524 Comish Street
Houston TX 77007

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**CERTIFICATE NUMBER:** 681071122

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<td>BODILY INJURY (Per person) $1,000,000</td>
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<td>PROFESSIONAL LIABILITY - CLAIMS-MADE &amp; POLLUTION - OCCURRENCE FORM</td>
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<td>6/30/2019</td>
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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**
ACORD 101, Additional Remarks Schedule, may be attached if more space is required.

General liability policy includes a blanket additional insured endorsement when required by written contract but only with respect to liability arising out of a named insured's work for additional insured including Products/Completed Operations coverage and in no way will the additional insured status exceed the limits, terms or conditions of the policy. Primary & Non-Contributory wording is included when required by written contract, but only with respect to coverage provided by this policy.

Auto liability policy includes certificate holder as an additional insured when required by written contract but only with respect to the legal responsibility for acts or omissions of a person for whom liability coverage is afforded under this policy but in no event shall such coverage exceed the limits, terms or conditions of the policy.

See Attached...

**CERTIFICATE HOLDER**

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

Proof of Coverage

© 1988-2015 ACORD CORPORATION. All rights reserved.
<table>
<thead>
<tr>
<th>AGENCY</th>
<th>BancorpSouth Insurance Services, Inc.</th>
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<tr>
<td>NAMED INSURED</td>
<td>Phase Engineering, Inc</td>
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<td>EFFECTIVE DATE</td>
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</table>

GENERAL LIABILITY, POLLUTION LIABILITY AND AUTO LIABILITY POLICIES INCLUDE WAIVER OF SUBROGATION IN FAVOR OF CERTIFICATE HOLDER WHEN REQUIRED BY WRITTEN CONTRACT BUT IN NO EVENT SHALL SUCH COVERAGE EXCEED THE LIMITS, TERMS OR CONDITIONS OF THE POLICY.

GENERAL LIABILITY, PROFESSIONAL LIABILITY AND CONTRACTOR'S POLLUTION COVERAGE IS IN A COMBINED POLICY WHICH CARRIES A $5,000,000 TOTAL POLICY AGGREGATE LIMIT.

PROFESSIONAL LIABILITY AND CONTRACTOR'S POLLUTION POLICY INCLUDES A BLANKET ADDITIONAL INSURED ENDORSEMENT WHEN REQUIRED BY WRITTEN CONTRACT BUT ONLY WITH RESPECT TO LIABILITY ARISING OUT OF A NAMED INSURED'S WORK FOR ADDITIONAL INSURED INCLUDING AND IN NO WAY WILL THE ADDITIONAL INSURED STATUS EXCEED THE LIMITS, TERMS OR CONDITIONS OF THE POLICY.

30 DAY NOTICE OF CANCELLATION IS PROVIDED WHEN REQUIRED BY WRITTEN CONTRACT EXCEPT IN THE EVENT OF CANCELLATION FOR NON-PAYMENT OF PREMIUM UNDER THE AUTO POLICY.

ALL COVERAGES ShOWN ARE SUBJECT TO THE TERMS, CONDITIONS AND EXCLUSIONS OF THE POLICIES.
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/20/18

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Aon Risk Services, Inc of Florida
1001 Brickell Bay Drive, Suite #1100
Miami, FL 33131-4937

CONTACT
NAME: Aon Risk Services, Inc of Florida
PHONE: (A/C, No, Ext): 800-743-8130
TAX (A/C, No): 800-522-7514
EMAIL ADDRESS: ADP.COI.Center@Aon.com

INSURER(S) AFFORDING COVERAGE NAIC #
INSURER A : New Hampshire Ins Co 23841

INSURED
ADP TotalSource FL XIX, Inc.
10200 Sunset Drive
Miami, FL 33173

ALTERNATE EMPLOYER
Phase Engineering Inc
5524 Comish Street
Houston, TX 77007

INSURER B :
INSURER C :
INSURER D :
INSURER E :
INSURER F :

COVERAGE

CERTIFICATE NUMBER: 1975325

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. LIMITS SHOWN ARE AS REQUESTED.

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WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY

Y/N | WC 047014251 TX | 07/01/18 | 07/01/19 | X | PER STATUTE | OTHER |

E.L. EACH ACCIDENT $ 2,000,000
E.L. DISEASE - EA EMPLOYEE $ 2,000,000
E.L. DISEASE - POLICY LIMIT $ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

All worksite employees working for PHASE ENGINEERING INC, paid under ADP TOTALSOURCE, INC.’s payroll, are covered under the above stated policy. PHASE ENGINEERING INC is an alternate employer under this policy.

CERTIFICATE HOLDER

Phase Engineering Inc
5524 Comish Street
Houston, TX 77007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Tracy Watson
Environmental Professional / Special Projects Manager

Professional Experience

Ms. Watson is the Special Projects Manager for Phase Engineering, Inc. Over the last 16 years, her professional experience has included quality control, analytical chemistry, and environmental science. Ms. Watson has completed numerous Phase I and II Environmental Site Assessments (ESAs) and NEPA Environmental Reviews for commercial, residential, and municipal properties. She has developed a reputation among several state agencies including the Texas General Land Office (GLO) and the Texas Department of Housing and Community Affairs (TDHCA) as a consultant capable of identifying solutions to complicated issues related to Environmental Reviews. In addition, Ms. Watson performs wetland determination and delineation assessments throughout the state of Texas.

Licenses/Certifications

- Asbestos Inspector (Texas), License #603452
- TCEQ Licensed Water Operator, License #WO0029615
- Radon Residential Measurement Provider, NRPP ID #109320 RT
- USACOE Certified Wetland Delineator, Received April 2014
- 40-Hour OSHA (HAZWOPER) and 8 Hour Annual Refreshers

Education

- BS Chemistry & Biology, University of Mary-Hardin Baylor, Belton, Texas
- USACOE Atlantic and Gulf Coast Regional Wetland Supplement Training (2015)
- USACOE Wetland Permitting Training (2015)

Select Project Experience

Wetlands: Ms. Watson completed an Environmental Review which included a Wetlands & Jurisdictional Waters of the US Determination Report for a proposed multi-family residential complex in Orange, Texas. She characterized vegetation communities on the Site and identified 79,366 square feet of wetlands as defined by the US Army Corps of Engineers. Survey results allowed project architect to modify design plans to entirely avoid any impacts to on-site wetlands, thus a USACOE Permit was not required.

COSA CIMS: From 2009-2012, Ms. Watson was the project manager of a City of San Antonio Capital Improvement Management Systems (CIMS) drainage project along Zarzamora Creek titled Culebra 58F Phase IIA&B. The project scope included Phase I and II ESAs with surface and subsurface sampling by trenching to evaluate the extent of substantial dumping within the project area. She also provided the environmental oversight for the project on behalf of CIMS during the construction phase.

COSA GMA: From 2013-2014, Ms. Watson was the Program Manager for the On-Call Professional Environmental NEPA Services contract with the City of San Antonio Division of Grants Monitoring and Administration (GMA). She is responsible for the coordination and completion of many Environmental Reviews required in the various HUD-funded programs supported by GMA.

GLO Disaster Recovery, Mixed-Use Housing in City of Houston: Completed Phase I and II ESAs for a proposed mixed-use housing development in Houston which will be funded by a Disaster Recovery Grant through the GLO. Due to on-going environmental cleanup needs, the project entered into the Voluntary Cleanup Program (VCP) with the TCEQ.
Ms. Watson directed the mitigation needs of the project which lead to environmental clearance and funding for the new development.

**Cellular Wi-Fi NEPA Compliance.** In 2011 and 2012, Ms. Watson managed the completion of approximately 1,000 desktop NEPA compliance reviews of existing buildings proposed for the installation or upgrades of Wi-Fi antennas for a major telecommunication company. The buildings were located nationwide and included hotels, hospitals, McDonald's restaurants, and retail stores.
Janis Franklin, PG  
Environmental Program Manager/Due Diligence Services

Professional Experience

Ms. Franklin is a Professional Geoscientist and Senior Project Manager for Phase Engineering, Inc. Over the last 25 years, she has conducted and/or managed over 12,000 Phase I Environmental Site Assessment (ESAs), 1,200 Phase II ESAs, over 200 petroleum storage tank (PST)/leaking petroleum storage tank (LPST) related projects and over 50 projects under regulatory oversight in multiple programs including the Superfund, Voluntary Cleanup Program (VCP) and Petroleum Storage Tank (PST) Program.

Licenses/Certifications

- Asbestos Inspector (Texas), License #603137
- Lead Inspector (Texas), #206233
- Corrective Action Project Manager CAPM #01209
- 40-Hour OSHA (HAZWOPER)
- Professional Geologist (Tennessee), License #TN4132
- Professional Geologist (Texas), License #1254

Education

- B.S. Geology, Austin Peay State University, Clarksville, TN
- M.S. Environmental Management, University of Houston, Clear Lake

Select Project Experience

**University of Houston, Houston, TX:** Performed subsurface investigations at several University owned properties that had underground storage tanks (USTs). For facilities where the USTs were determined to be leaking, performed investigations to determine the extent of affected soil and/or groundwater. Designed and implemented risk-based assessment plans. Prepared reimbursement packages and related documentation for submittal to the Texas Commission of Environmental Quality (TCEQ).

**City of Houston:** Involved in the implementation of city-wide investigation and corrective action for the City of Houston UST Program. Performed investigations at fire station and vehicle maintenance facilities at several sites throughout the city. Successfully prepared and presented risk-based assessment plans to the TCEQ.

**WEF Ltd.:** Performed Phase II site remediation which included geoprobe boring installations, soil and groundwater sampling for analysis, and soil bioremediation to reduce total petroleum hydrocarbon (TPH) contamination.

**TCEQ, South:** Involved in the implementation of Site Assessment Program tasks through approved work plans submitted to the Superfund, PST and VCP Divisions. Performed investigations at over 50 sites throughout south Texas.

**Texas Parks and Wildlife, La Porte, TX:** Managed a Scope of Work that included wastewater treatment plant sludge, soil and decontamination confirmation wipe sampling for analysis. Coordinated the decontamination and waste disposal activities.

**Suiza Foods, Southwest:** Developed stormwater pollution prevention plan for dairies in Louisiana and Texas. Prepared Notice of Intent (NOI) permits for the discharge of stormwater and submitted to the Louisiana Department of Environmental Quality (LDEQ) and/or Environmental Protection Agency (EPA). In addition, developed Storm
Water Pollution Protection Plans (SWPPP) and Spill Prevention, Control and Countermeasure (SPCC) plan protocols for use at all Suiza dairies.

**United States Postal Service, Nationwide:** Scope of Work included NEPA Environmental Assessments of properties in accordance with expansion and/or new construction requirements. Additional investigation and remediation work was authorized for properties with suspected environmental impairment.
Patti Gibson
Senior Staff Environmental Scientist

Professional Experience
Ms. Gibson is an Environmental Professional and Senior Project Manager for Phase Engineering, Inc. Over the last 25 years, she has conducted and/or managed over 10,000 Phase I Environmental Site Assessment (ESAs), 1,000 Phase II ESAs, over 200 petroleum storage tank (PST)/leaking petroleum storage tank (LPST) related projects and over 50 projects under regulatory oversight in multiple programs including the Superfund, Voluntary Cleanup Program (VCP) and Petroleum Storage Tank (PST) Program.

Licenses/Certifications
- 40-Hour OSHA (HAZWOPER)

Education
- B.S. Environmental Management, University of Houston, Clear Lake

Select Project Experience
Texas Department of Transportation: Performed subsurface investigations at several University owned properties that had underground storage tanks (USTs). For facilities where the USTs were determined to be leaking, performed investigations to determine the extent of affected soil and/or groundwater. Designed and implemented risk-based assessment plans.

TCEQ, South: Involved in the implementation of Site Assessment Program tasks through approved work plans submitted to the Superfund, PST and VCP Divisions. Performed investigations at over 100 sites throughout south Texas.

Texas Parks and Wildlife, La Porte, TX: Conducted the decommissioning of a wastewater treatment plant sludge, soil and decontamination confirmation wipe sampling for analysis. Coordinated the decontamination and waste disposal activities.

Dean Foods, Southwest: Developed stormwater pollution prevention plan for dairies in Louisiana and Texas. Prepared Notice of Intent (NOI) permits for the discharge of stormwater and submitted to the Louisiana Department of Environmental Quality (LDEQ) and/or Environmental Protection Agency (EPA). In addition, developed Storm Water Pollution Protection Plans (SWPPP) and Spill Prevention, Control and Countermeasure (SPCC) plan protocols for use at all Dean Foods related dairies.
Katy Riddle  
Staff Environmental Scientist

Professional Experience

Ms. Riddle is a technical writer and staff environmental scientist for Phase Engineering, Inc. Over the last 4 years, she has co-written, conducted research for and performed quality control on over 4,000 Phase I Environmental Site Assessment (ESAs). Ms. Riddle is experienced in fulfilling both scope and non-scope requirements for standard ESAs as well as those for the Texas Department of Housing and Community Affairs (TDHCA). In her work, Ms. Riddle has also researched numerous Phase II ESAs and petroleum storage tank (PST) / leaking petroleum storage tank (LPST) projects.

Education

- B.A. Geography- Environmental Resource Management, University of Texas, Austin, TX (2011)
- M.A.G. Resource and Environmental Studies, Texas State University, San Marcos, TX (2014)
Professional Experience

Mr. Garay is a Staff Environmental Scientist at Phase Engineering gathering research data for Phase 1 Environmental Site Assessments, Record Search with Risk Assessment Reports, and Environmental Data Risk Reviews. He started at Phase in February of 2018 and in that time has gained experience creating inquiries for Public Information Requests to public entities, searching historical street directories, as well as, in ArcGIS creating physical setting, topographic, and aerial imagery maps.

Education

- B.S. Marketing, Louisiana State University, Baton Rouge, LA
REFERENCES SOURCES

- Site Sketch Maps: http://services.arcgisonline.com/arcgis/services.
- The Railroad Commission of Texas, Geographic Information System – Oil and Gas Well Digital Data Acquisition. Oil and gas well data and pipeline data were obtained from public records at the Railroad Commission of Texas (the Commission). http://www.rrc.state.tx.us.
- Certified Sanborn Map Report from Environmental Data Resources, Inc., 440 Wheelers Farms Road, Milford, Connecticut 06461.
- Texas Commission on Environmental Quality (TCEQ) Central Registry Database Search http://www12.tceq.state.tx.us/crpub/.