

PST_88567_CP_20220111_Investigation
Texas Commission on Environmental Quality
Investigation Report

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Customer: Kroger Texas L.P.
Customer Number: CN601489354

Regulated Entity Name: KROGER FUEL FACILITY 138

Regulated Entity Number: RN109261198

Investigation # 1787190

Incident Numbers

Investigator: LISA MERRITT

Site Classification UNDERGROUND STORAGE
TANK - REGISTRATION

Conducted: 01/11/2022 -- 01/11/2022

No Industry Code Assigned

Program(s): PETROLEUM STORAGE TANK REGISTRATION

Investigation Type: Compliance Investigation

Location:

Additional ID(s): 88567

Address: 22006 MARKET PLACE DR,
NEW CANEY, TX , 77357

Local Unit: REGION 12 - HOUSTON

Activity Type(s): COV - Flag code for activities which
were modified due to restrictions
related to COVID-19. Should only be
used with activities used to meet
federal commitments for CAA, TPDES,
PWS, RCRA, or Energy Act.
PSTEACT - PST Energy Act Focused
Investigation

Principal(s):

Role

Name

RESPONDENT

KROGER TEXAS LP

Contact(s):

Role

Title

Name

Phone

REGULATED
ENTITY MAIL
CONTACT

FUEL OPERATIONS
MANAGER-HOUSTON
DIVISION

MS RUDY SALAS

Office (713) 507-6074
Fax (936) 442-6708

REGULATED
ENTITY
CONTACT

COMPLIANCE
COORDINATOR-OPER
ATIONS

MS MELISSA K
RUTLEDGE

Office (713) 507-4860
Fax (936) 442-6708

Other Staff Member(s):

Role

Name

QA Reviewer
Supervisor

UBALDO GONGORA
TODD THOMPSON

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PST ENERGY ACT FOCUSED INVESTIGATION - revised 12/2014	88567
PST EPA TECHNICAL COMPLIANCE RATE (TCR)	88567

Investigation Comments:

Re: Petroleum Storage Tank Focused Energy Act Investigation for:
Kroger Fuel Facility 138, 22006 Market Place Drive, New Caney (Montgomery County), Texas
TCEQ Facility ID No.: 88567

INTRODUCTION:

On January 11, 2022, Ms. Lisa E. Merritt of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for Title 30, Texas Administrative Code (TAC) Chapter 334 Underground and Aboveground Storage Tanks regulations for the Petroleum Storage Tank (PST) Program at motor vehicle fuel dispensing facilities.

Kroger Texas L. P. owns and manages the property and underground storage tanks (USTs). Mr. Rudy Salas and Ms. Melissa Rutledge are the facility contacts.

The investigator notified Mr. Salas and Ms. Rutledge on January 7, 2022, by email, requesting compliance documentation to be sent electronically and that a noncontact on-site investigation would be conducted on January 11, 2022. Mr. Salas and Ms. Rutledge were provided with a list of the requested compliance documentation on January 7, 2022, via email

GENERAL FACILITY AND PROCESS INFORMATION:

This site is a grocery store fuel facility with retail sales of gasoline fuel with a monthly throughput of approximately 390,000 gallons.

According to the TCEQ PARIS database, there are two fiberglass-reinforced plastic (FRP) USTs installed at the facility. The tanks were installed May 29, 2016. Tank 1 has a capacity of 20,000 gallons and stores gasoline fuel. Tank 2 has a capacity of 18,000 gallons and has two compartments. Compartment 2A has a capacity of 8,000 gallons and stores gasoline fuel. Compartment 2B has a capacity of 10,000 gallons and stores diesel fuel.

BACKGROUND:

On January 22, 2019, a Petroleum Storage Tank Focused Energy Act Investigation was conducted, CCEDS Investigation 1540368, where the facility was found compliant.

ADDITIONAL INFORMATION:

PST documentation available included a current, valid TCEQ PST delivery certificate with an expiration date of February 28, 2022. Financial assurance is provided through an insurance policy that expires on May 1, 2022. Corrosion protection is provided through FRP USTs and verified by Alert technologies (Attachment 1). The facility utilizes Interstitial Monitoring (IM) as its primary Release Detection method for the tanks and lines. The 30-day IM reports were reviewed from January 7, 2021 through January 7, 2022. The lines were also tested with the leak detectors on February 9, 2021 by B & F Maintenance Service, Inc. The leak detection records did not indicate a suspected release. Ball float valves are installed on the tanks and verified by B & F Maintenance Service, Inc. (Attachment 1). Mr. Josh White is the facility's certified Class A and B Operator and the Class C Operator training log was being maintained on-site.

An exit interview was conducted via email on January 13, 2022, where Mr. Salas and Ms. Rutledge were notified of the investigation findings.

CONCLUSION:

No violations were noted during the investigation.

A General Compliance (GC) letter has been issued as a result of the investigation.

No Violations Associated to this Investigation

Signed Lisa E. Merritt
Environmental Investigator

Date 1/18/22

Signed Todd Thompson
Supervisor

Date 1/21/2022

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)
☒ Letter to Facility (specify type) : GCI
Investigation Report
☐ Sample Analysis Results
☐ Manifests
☐ Notice of Registration

☐ Maps, Plans, Sketches
☐ Photographs
☒ Correspondence from the facility
☐ Other (specify) :
1) Compliance documents

List of Attached files

88567.22.compliance.documents.pdf

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 24, 2022

Mr. Rudy Salas, Fuel Operations Manager-Houston Division
Kroger Texas L. P.
19245 David Memorial Drive
Shenandoah, Texas 77385-8778

Re: Petroleum Storage Tank Focused Energy Act Investigation at:
Kroger Fuel Facility 138, 22006 Market Place Drive, New Caney (Montgomery County),
Texas
TCEQ Facility ID No.: 88567

Dear Mr. Salas:

On January 11, 2022, Ms. Lisa E. Merritt of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for petroleum storage tanks (PSTs) for motor vehicle fuel dispensing facilities. No violations were documented during the investigation.

Please note that this investigation was limited in scope. Your facility is still required to comply with all requirements of 30 Texas Administrative Code (TAC), Chapter 334, and, under the Energy Policy Act of 2005, is subject to compliance investigations every three years.

If you feel that your facility may require assistance to achieve compliance with the requirements of the PST program, you have several options:

- Refer to the PST rules found in Title 30 TAC, Chapter 334, located at: <https://www.tceq.texas.gov/rules/indxpdf.html#334>;
- Refer to the TCEQ's newest Underground Storage Tank Compliance Tool: The PST Super Guide: A Comprehensive Guide to Compliance in Texas (RG-475) located at: <https://www.tceq.texas.gov/publications/rg/rg-475/>
- Hire a contractor who is knowledgeable with PST issues to assist you with regulatory compliance;
- Refer to the Small Business and Local Government Assistance (SBLGA) website at: www.sblga.info – click on the link for Petroleum Storage Tanks; or
- Call the SBLGA free, confidential compliance assistance hotline at 1-800-447-2827.

Mr. Salas, Fuel Operations Manager-Houston Division

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January 24, 2022

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Merritt in the Houston Region Office at 713-767-3603.

Sincerely,

Todd Thompson

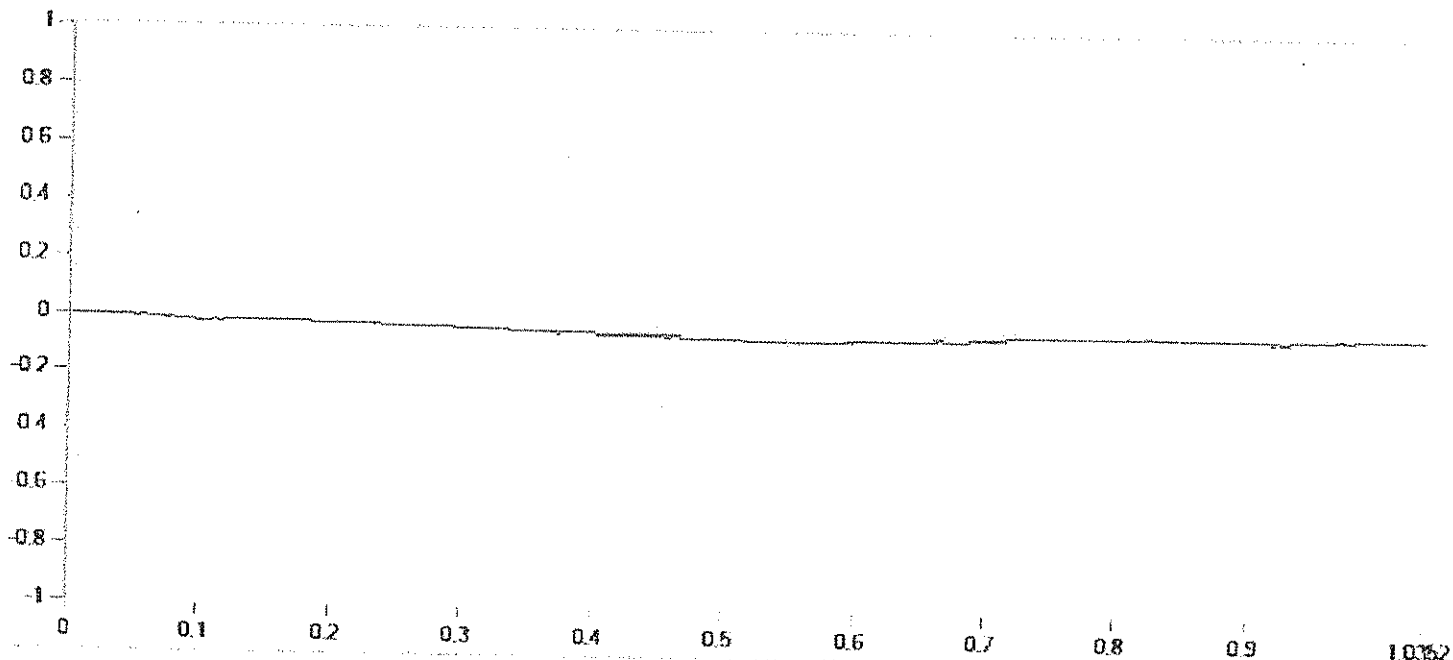
Todd Thompson, Team Leader Waste Section
Houston Region Office
Texas Commission on Environmental Quality

TT/LEM/swf

ATTACHMENT 1



Tank Explorer Results



Client/Operator Data

Client: KROGER SW-138
Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX
Telephone:

Contractor: B&B TESTING INC
Address: PO BOX 340
City, St: SPRING TX
Telephone: 281-355-1090

Operator Name: JAMIE LAMBERT
Certification #: ce9975b8
Expiration Date: 8/25/17

Tank and Test Parameters

Test Date: 2/15/2017 11:54:16 AM

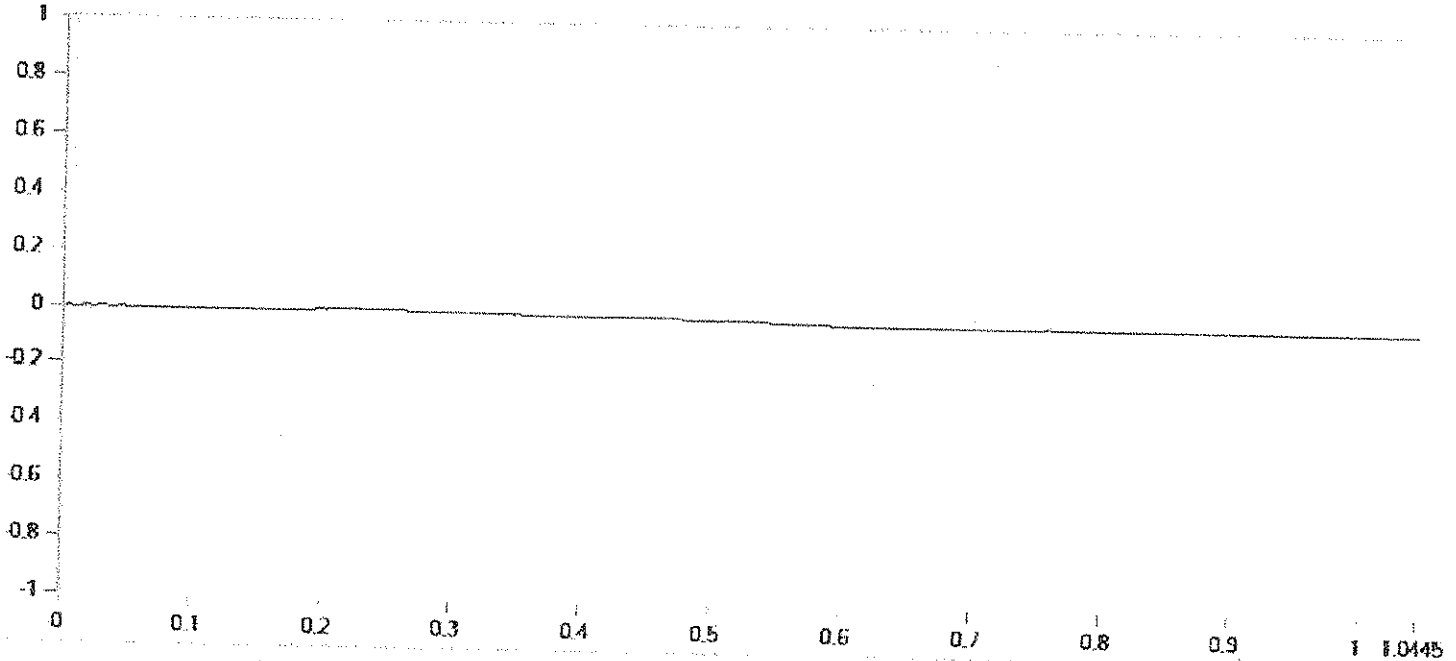
Tank Identification: 1
Product Type: UNLEADED
Tank Capacity: 19782
Product Level: 88
Water in Tank:
Water Level ATB:
Tank Material: FIBERGLASS
Load Cell S/N: ##Load Cell SN%%
Probe S/N: ##Probe SN%%

Test Duration: 1:02:06
Sample Time: 1:02:06
Product SGU: 0.73
Leak Rate Gal./H: -0.0372 PASS

Tank #: 1
Tank Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX



Tank Explorer Results



Client/Operator Data

Client: KROGER SW-138
Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX
Telephone:

Contractor: B&B TESTING INC
Address: PO BOX 340
City, St: SPRING TX
Telephone: 281-355-1090
Operator Name: JAMIE LAMBERT
Certification #: ce9975b8
Expiration Date: 8/25/17

Tank #: 2
Tank Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX

Tank and Test Parameters

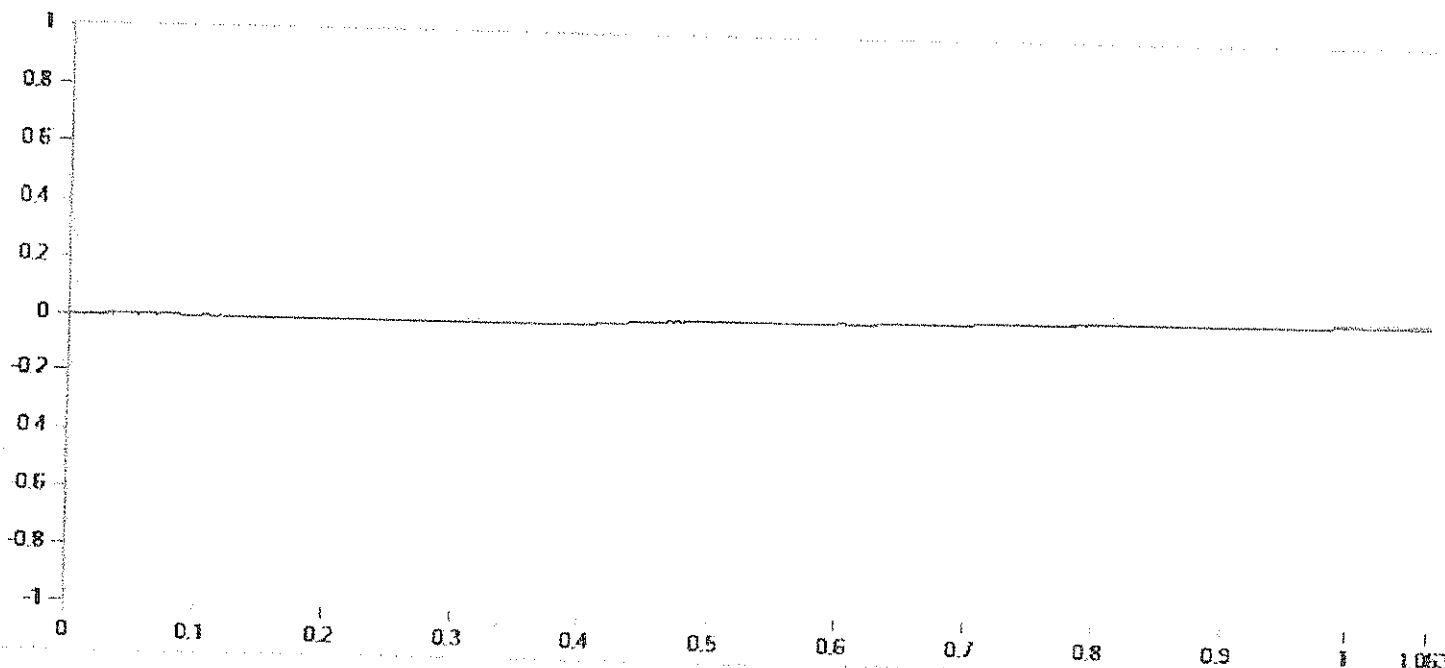
Test Date: 2/15/2017 11:55:01 AM

Tank Identification: 2
Product Type: SUPER
Tank Capacity: 7901
Product Level: 84.3
Water in Tank:
Water Level ATB:
Tank Material: FIBERGLASS
Load Cell S/N: ##Load Cell SN%%
Probe S/N: ##Probe SN%%

Test Duration: 1:02:40
Sample Time: 1:02:40
Product SGU: 0.75
Leak Rate Gal./H: -0.0288 PASS



Tank Explorer Results



Client/Operator Data

Client: KROGER SW-138
Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX
Telephone:

Contractor: B&B TESTING INC
Address: PO BOX 340
City, St: SPRING TX
Telephone: 281-355-1090

Operator Name: JAMIE LAMBERT
Certification #: ce9975b8
Expiration Date: 8/25/17

Tank #: 3
Tank Address: US HWY 59 AND GRAND PKWY
City, St: NEW CANEY TX

Tank and Test Parameters

Test Date: 2/15/2017 11:55:43 AM

Tank Identification: 3
Product Type: DIESEL
Tank Capacity: 10420
Product Level: 79
Water in Tank:
Water Level ATB:
Tank Material: FIBERGLASS
Load Cell S/N: ##Load Cell SN%%
Probe S/N: ##Probe SN%%

Test Duration: 1:03:46
Sample Time: 1:03:46
Product SGU: 0.84
Leak Rate Gal./H: 0.0449 PASS

B & F Maintenance Service, Inc.

P.O. BOX 38489 / HOUSTON, TEXAS 77238-8489

(281) 447-8162 * FAX (281) 447-5680

License: CRP-000421

Overfill Certification

Date: 2/9/2021

Location: KROGER 138
22006 MARKET PLACE
NEW CANEY , TX 77357

Tester: FERNANDO ORTIZ

Monitor: TLS-450 PLUS

Overfill Protection: BALL FLOAT X

Drop Tubes/Flappers

Test Results: P=Pass F=Fail

Regular PASS

SUPER **PASS**

DIESEL PASS
