EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-1344-PST-E **TCEQ ID:** RN101546588 **CASE NO.:** 36400 **RESPONDENT NAME:** G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
findings default order	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience store SMALL BUSINESS:X_Yes	e are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on February 2, 2009. r: None : Mr. Steven Lopez, Enforcement Division, Enforce	al pending enforcement actions regarding this rest in this matter. No comments were received. ment Team 6, MC 128, (512) 239-1896; Mr.

DOCKET NO.: 2008-1344-PST-E

VIOLATION SUMMARY CHAR	Т:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint	Total Assessed: \$4,700	Corrective Actions Taken:
X Routine Enforcement Follow-up Records Review	Total Deferred: \$940 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a. Completed certified Stage II
Date of Investigation Relating to this Case: July 25, 2008	Total Paid (Due) to General Revenue: \$160 (remaining \$3,600 due in 18 monthly payments of \$200 each)	representative training and all current employees received in-house Stage II vapor recovery training on August 20, 2008;
Date of NOV/NOE Relating to this Case: August 8, 2008 (NOE) Background Facts: This was a routine	Site Compliance History Classification X High Average Poor	b. Tested the Stage II vapor recovery system on August 21, 2008, with passing results;
investigation. WASTE	Person Compliance History Classification X High Average Poor Major Source: Yes X No	c. Upgraded the Stage II equipment to ORVR compatible systems on August 10, 2008;
1) Failure to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current	Applicable Penalty Policy: September 2002	d. Installed swivel adapters on the dry break and the fill ports on August 21, 2008; and
employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the Stage II equipment [30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety Code § 382.085(b)].	・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・	e. Posted operating instruction on the front of each gasoline dispensing pump equipped with Stage II equipment on August 21, 2008.
2) Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual testing had not been conducted [30 Tex. ADMIN. CODE § 115.245(2) and Tex. HEALTH & SAFETY CODE § 382.085(b)].		en. Hande in en. Hande in et en
3) Failure to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems [30 Tex. ADMIN. CODE § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)].		
4) Failure to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the swivel adapters were not installed on the dry break or the		

3 of 3

DOCKET NO.: 2008-1344-PST-E

fill ports [30 Tex. ADMIN. CODE § 115.242(3)(A) and Tex. Health & Safety CODE § 382.085(b)].	
5) Failure to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with Stage II equipment [30 Tex. ADMIN. CODE § 115.242(9) and Tex. Health & Safety CODE § 382.085(b)].	

Additional ID No(s).: 960

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	Penalty Calculation	n Worksheet (P	PCW)	
Policy Revision 2 (Sep	otember 2002)		PCW Revision	n June 12, 2008
TCEQ	11 11 11 2000			
DATES Assigned PCW		EPA Due		
RESPONDENT/FACILITY				
Respondent Reg. Ent. Ref. No.	G & J INTERNATIONAL, INC. dba Sunny's I	-ood Mart 3		-
Facility/Site Region		Major/Minor Source	Minor	
CASE INFORMATION		<u> </u>	·	
Enf./Case ID No.		No. of Violations		
	2008-1344-PST-E	Order Type		
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit		
Multi-Media		Enf. Coordinator		
Admin. Penalty \$	Limit Minimum \$0 Maximum	### ##################################	Enforcement Team 6	- Ampreida
	Penalty Calcula	tion Section		
TOTAL BASE DENAL	LTY (Sum of violation base penaltie		Subtotal 1	\$4,500
		9) Tambanan dan dan dan dan dan dan dan dan dan	Subtotal 1	Ψ4,500
ADJUSTMENTS (+/-)				and the second
Compliance Hist	ined by multiplying the Total Base Penalty (Subtotal 1) by		totals 2, 3, & 7	-\$450
Compliance rist	Ory -10.0%	Reduction Subt	Otais 2, 3, & 1	-\$450
Notes	Reduction due to high performe	r classification.		The second secon
C. Inability	[No. 10.000]	<u> -1.0084801289</u> -8808€01 - 8	i Cultania I A	\$0
Culpability	No 0.0%	Enhancement	Subtotal 4	Ψ0
Notes	The Respondent does not meet the	culpability criteria.		out-de-ce-se-se-se-se-se-se-se-se-se-se-se-se-se
i'		*		TO More and the
Good Faith Effor	t to Comply Total Adjustments		Subtotal 5	\$450
				opiu peru
Economic Benef	rif	Enhancement*	Subtotal 6	\$0
		at the Total EB \$ Amount	Jubiota v	
CUM OF CUDTOTAL	○ 4 • 7		- Condition of the cond	\$3,600
SUM OF SUBTOTAL			Final Subtotal	\$3,000
	S JUSTICE MAY REQUIRE	30.6%	Adjustment	\$1,100
Reduces or ennances the Final S	Subtotal by the indicated percentage.		1	au maen overone
Notes	Recommended enhancement to captu compliance associated with vi			·
		Final Pe	nalty Amount	\$4,700
	ADMIETMENT WISH NOT THE LOCATION		- I - I - I - I - I - I - I - I - I - I	\$4,700
STATUTORY LIMIT A	ADJUSTMENT WILL IN IN COMMISSION	Final Asse	essed Penalty	\$4,700
DEFERRAL Reduces the Final Assessed Per	nalty by the indicted percentage. (Enter number only; e.g.	20.0% Reduction 20 for 20% reduction.)	Adjustment	-\$940
C				and the second second
Notes	Deferral offered for expedited	settlement.		ш-оположения
DAMANI - DELLE			- ::::::::::::::::::::::::::::::::::::	60.70 0
PAYABLE PENALTY		그는 이번 문학에 발표됐어요?		\$3,760

Screening Date 14-Aug-2008 Respondent G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3

Docket No. 2008-1344-PST-E

PCW

Policy Revision 2 (September 2002) PCW Revision June 12, 2008

Enter Number Here Adjust.

Case ID No. 36400

Reg. Ent. Reference No. RN101546588 Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Lopez

Component Number of...

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
		Other written NOVs	0.	0%
	· · · · · · · · · · · · · · · · · · ·	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	'3 ³ : 0'	0%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ō	0%
	Addis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
			se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Other	Participation in a voluntary pollution reduction program	No	0% - 4
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	at Violator (Su No		ercentage (S	
k.	High Per	former Adjustment P	ercentage (S	ubtotal 7)
Comp	liance History	y Summary	*	
	Compliance History Notes	Reduction due to high performer classification.	* 1	

	reening Date				No. 2008-1344	4-PST-E		PCW
3	-		ATIONAL, INC. o	iba Sunny's Food M	lart 3		Policy Revi	sion 2 (September 2002)
	Case ID No.						PCN	Revision June 12, 2008
	eference No.							
	dia [Statute]		rage Tank					
ä	Coordinator	Steven Lopez						
Vic	olation Number	1 1						
	Rule Cite(s)	30 Tex. A	dmin. Code § 115	5.248(1) and Tex. H	ealth & Safety	Code § 382.08	35(b)	
E- 00-00-00-00-00-00-00-00-00-00-00-00-00				· · · · · · · · · · · · · · · · · · ·				i i
				e Station represent				
Violati	ion Description			e II vapor recovery por recovery training				
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			384 5 (2)	10 JA 10 MB	Adjustmen	t	\$9,000	
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Violation Events	Child See scanned	e in simile i	condition the effe	aleguales albulaumi	hanser of the	granian sale of all	17 11 11 11 11 11	Andrew Company
	Number of Vid	alation Evente	1	20	Number of	f violation days		
one management	ramber of th	Mation Events		[<u>2</u>	ramber o	i violation days	,	
military over the contract of		daily						
Constitution		monthly		•				
No. of the Contract of the Con	mark only one with an x	quarterly	X		'	Violation Base	Penalty	\$1,000
MANA PROPERTY AND A STATE OF THE STATE OF TH	Willi Gil X	semiannual annual						
Marie Control of the		single event						
regional designation of the control	One quarterly	event is recom	mended based or	n documentation of	the violation di	ring the July 2	5 2008	
According to the second	one quarterly			ugust 14, 2008 scre		9	0, 2000	
onimin province	<u> </u>	:						
Good Faith Efforts	s to Comply		10.0% Red	duction	a de la composición			\$100
Proceeding and the process of the second of	all			/ to EDPRP/Settlement (Offer	(1.000) insula Carle of the House	SOMHING RASSAGERIAN	
A Marian		Extraordinary						
TO MANAGEMENT AND A VOICE OF THE PARTY OF TH		Ordinary		×		•		
		N/A	(mai	k with x)				
A management of		Netoo	The Responder	nt came into complia	ance on Augus	t 20, 2008		
The state of the s		Notes	afte	r the NOE dated Au	gust 8, 2008.			
processory (processory)		L						
The state of the s	•					Violation	Subtotal	\$900
Economio Basser	(ED) farth:	Violetica			Ctnt.vt-	nt limit Too	+	Example of the second s
Economic Benefit	(CD) for this	violation			Statutoi	ry Limit Tes	L COL	
CA KERNILLAT	Estimated	d EB Amount		\$2	Violat	ion Final Pena	alty Total	\$1,044
WYYYYGETP		•	7-1	aviolation Final A	secessed Pan-1	h, ladinetad f	or limite)	\$1,044
			This	s violation Final As	ssessed Penal	ity (adjusted fo	or illuits)	⊅1,∪44 [

Daaraaalant (the second secon			heet		
Respondent	3 & J INTERNA	ATIONAL, INC. dba	Sunny's Food Ma	rt 3		177	
Case ID No. 3	36400					4.5	
Reg. Ent. Reference No. F	RN101546588						11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Petroleum Stora	age Tank				4	Years of
Violation No. 1		ago rank				Percent Interest	Depreciation
Violation No.					A Committee of the Comm	5.0	. 1
		Bata Balantara	Fig. 1554	Ven	Interest Saved	Onetime Costs	EB Amount
	Item Cost	Date Required	Final Date	Yrs			ED Alliouin
Item Description	No commas or \$		The second second second		forther to		
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	25-Jul-2008	20-Aug-2008	0.07	\$2	n/a	\$2
Remediation/Disposal	ΨΟΟΟ	20 001 2000	Lo / lag Looo	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
					.tta Otaan U	Lawrence The De	nto Doguland i
Notes for DELAYED costs	Estimated cos	st of training a Stati the inve	on representative a estigation date. The	and emp Final D	oloyees in Stage I Date is the complia	procedures. The Dance date.	ate Required i
		the inve	estigation date. The	Final D	Date is the complia	procedures. The Da ance date. one-time avoided o	costs)
Notes for DELAYED costs		the inve	estigation date. The	Final C	item (except for	one-time avoided o	costs) \$0
Notes for DELAYED costs Avoided Costs		the inve	estigation date. The	ntering 0.00 0.00	item (except for \$0	one-time avoided o	sosts) \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		the inve	estigation date. The	ntering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
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	eening Date 14			Docket No. 2008-13	44-PST - E	PCW
			ATIONAL, INC. dba Sui	nny's Food Mart 3	Policy	Revision 2 (September 2002)
	Case ID No. 36		·			PCW Revision June 12, 2008
	eference No. RN					
4	dia [Statute] Pe Coordinator St		age rank			
	olation Number	even Lopez				
	Rule Cite(s)					┓
	rtaio onto(o)	30 Tex. A	dmin. Code § 115.245(and Tex. Health & Safety	Code § 382.085(b)	
						1
Violati	on Description F			Stage II equipment at leas		
The state of the s		3	pecifically, the Stage II a	annual testing had not beer	conducted.	
- Control of the Cont						177
	<u> </u>					
					Base Penalt	y \$10,000
	Duan Satura and I	Llanca a Ela	- IAL BELLEVI			· ·
>> Environmental	, Property and	Human He	eaith Matrix Harm			Verd.Commission
	Release	Major	Moderate Minor			Errin A.
OR	Actual					n - Hobert
	Potential	x		Percent	25%	AC. ATTROOP
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	Falsification	Major	Moderate Minor	Percent	0%	i. I. I.
	Ll		J	1 ercent	0.761	
. ✓ Matrix				sed to pollutants which wou		
Notes	protec	Suve of Huffis	an nealth or environmen	tal receptors as a result of t	ille violation.	
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			istratis de N	Adjustme	nt \$7,500	
NATIONAL PROPERTY OF THE PROPE						\$2,500
000 COO			1			<u> </u>
Violation Events			Aller (ISA)			
NOTE AND ADDRESS OF THE PARTY O		15			of taleform days	
In COMMAND	Number of Violat	tion Events	1	365 Number	of violation days	Advanced of the
à concentration de la conc		daily				
name, more public	1.5	monthly				
man de la companya de	mark only one	quarterly			Violation Base Penalt	\$2,500
- Section of the sect	with an x	emiannual 📗				
	iii.	annual	X			
Overall market	SI	ngle event [art. Helder, Group
						7
- CONTROL OF THE CONT	One annual eve	ent is recomn	nended for the one-vear	period preceding the July 2	25, 2008 investigation.	1000000
		* .				
		Wilder amount our hither or our research	- VERTEN TO A VERTEN AND A VERT			
Good Faith Efforts	s to Comply	L.	10.0% Reduction		Medical III	\$250
	Eve	traordinary	Before NOV NOV to EDI	PRP/Settlement Offer		
	EX	H				en fille de la companya de la compan
MARINE TO THE PROPERTY OF THE		Ordinary N/A	(mark with x	X		
T. Control of the Con		ίČ	Windows Committee of the Committee of th			
		Notes	The Respondent came i	nto compliance on August :	21, 2008 after	
And of the second secon			the NO	E dated August 8, 2008.		
The state of the s		15				
***					Violation Subtota	\$2,250
Economic Benefit	(FR) for this vi	olation		Qfatut.	ory Limit Test	
LCOHOING Denenit	(LD) for this Vi	UIAUUII .	308-8-1-11	Statute	JIY EMIJIC 1690	19 18 19 19 19 19 19 19 19 19 19 19 19 19 19
Windows and American	Estimated E	B Amount	\$1,	100 Viola	ation Final Penalty Tota	I \$2,611
TOWNS AND THE PROPERTY OF THE				or on Proof A 15	-14 . / - dt 4	00.044
		nija dikasila kanan alam	This viol	ation Final Assessed Pen	aity (adjusted for limits) \$2,611
para mengana kan langgalan kanalah pada 1980 S	被 橡胶烙 化分离功能操作标准定式管	A service addition of the	rugus, mar parlugues registras. Principi Nobil N	 A restriction of the state of the second of t	Constitution of the Consti	s records to a last a contract of the Confidence

	E	conomic l	Benefit W	orks	heet	than I ty than the	
Respondent	G & J INTERNA	TIONAL, INC. dba	a Sunny's Food Ma	art 3		1 2 2 2	
Case ID No.		,	,				
Reg. Ent. Reference No.							
	Petroleum Stora	ago Tank				rimani mining a samu	Years of
		age rank			- C*	Percent Interest	Depreciation
Violation No.	2				and the second	anico recellent	6 to
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	e e e e e e e e e e e e e e e e e e e	A MARK STORY				
Delayed Costs				,			
Equipment			e ja vas in des ince in tea	0.00	\$0	\$0	\$0
Buildings			A CONTRACTOR OF THE PARTY OF TH	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0 \$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System			<u> </u>	0.00	\$0	n/a n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal				0.00			\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs						. Yw	
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	25-Jul-2007	21-Aug-2008	1.99	\$100	\$1,000	\$1,100
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Avoided cost fo	or annual testing of	the Stage II equip date. The Final I	ment. T Date is th	he Date Required ne compliance dat	is one year prior to e.	the investigatio
	<u></u>						

Screening Date		PCW
	•	olicy Revision 2 (September 2002)
Case ID No.		PCW Revision June 12, 2008
Reg. Ent. Reference No.		
	Petroleum Storage Tank	
Enf. Coordinator Violation Number		
Rule Cite(s)	3 Tex. Admin. Code § 115.242(1)(C), (3)(A), and (9) and Tex. Health & Safety Code	
Raio Olesso)	382.085(b)	. 8
Violation Description	Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVF compatible systems. Failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resour Board Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the swivel adapters were not installed on the dry break or the fi ports. Failed to post operating instructions conspicuously on the front of each gasoling dispensing pump equipped with Stage II equipment.	rces e
	Base Pen	nalty \$10,000
>> Environmental, Property ar	d Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
Potential	X Percent 10%	
	and anti-field as a weeking a common property of the control of th	
>>Programmatic Matrix		,
Falsification	Major Moderate Minor Percent 0%	
	Total Total	
	or the environment will or could be exposed to significant amounts of pollutants which we ils that are protective of human health or environmental receptors as a result of the viola	
Notes Increased leve	to that are protective of manuar health of christoffine had recorded at a record of the viola	
	Adjustment \$9,	,000
	Adjustment Jo	,0001
		\$1,000
Violation Events		
Violation Events	全人对称。	&
Number of V	olation Events 1 20 Number of violation days	
	daily	-
mode only one	monthly Quarterly x Violation Base Pen	nalty \$1,000
mark only one with an x	semiannual	arty 71,555
	annual	
	single event	
One quarterl	event is recommended based on documentation of the violation during the July 25, 200)8
	investigation to the August 14, 2008 screening date.	

Good Faith Efforts to Comply	10.0% Reduction	\$100
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary X	
	N/A (mark with x)	
Bank to your	Notes The Respondent came into compliance on August 21, 2008 after the NOE dated August 8, 2008.	
	alo NOE dated Adgust of 2000.	
	Violation Subt	total \$900
	Violation Subt	
Economic Benefit (EB) for this	violation Statutory Limit Test	
Estimate	d EB Amount \$9 Violation Final Penalty T	otal \$1,044
Table Age was	This violation Final Assessed Penalty (adjusted for lin	nits) \$1,044
	IIII VIOIALIOII FIIIAI 73563560 F GIIAILY (AUJUSTEU IOI IIII	

and and a state of the state of	E	conomic l	Benefit W	orks	heet		
Respondent Case ID No.		ATIONAL, ÎNC. dbe	a Sunny's Food Ma	ırt 3			
Reg. Ent. Reference No. Media Violation No.	Petroleum Stor	age Tank			,	Percent Interest	Years of Depreciation
Violation No.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	00.500	V 05 1 1 0000	. 40.0 0000	004	\$0	\$7	\$8
Equipment	\$2,500	25-Jul-2008	10-Aug-2008	0.04	\$0	\$0	\$0
Buildings Other (as needed)	\$150	25-Jul-2008	21-Aug-2008	0.07	\$0 \$0	\$1	\$1
Engineering/construction	¥100	20-001-2000	21-Aug 2000	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	25-Jul-2008	21-Aug-2008	0.07	\$0	n/a	\$0
Notes for DELAYED costs	(\$150). The D	ate Required is the	investigation date ach dispensing pu	The F mp (\$50	inal Date is the da	ted cost to install sw te of compliance. E ired is the investiga	stimated cost to
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided o	osts)
Disposal	[0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		1044	the second of the second	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,700			TOTAL		\$9

Compliance History

Custo	mer/Respondent/Owner-Operator:	CN603392630	G & J INTERNATIONA	L, INC.	Classification: F	HIGH	Rating: 0.00	
Regulated Entity:		RN101546588 Sunny's Food Mart 3			Classification: H	IGH	Site Rating: 0.00	
ID Nui	mber(s):	PETROLEUM ST REGISTRATION		REGISTF	RATION		960	
Locatio	on:	2997 N STEMMO	NS FWY, LEWISVILLE, T	X, 75077	Rating Date: Se	ptember 01 0	7 Repeat Violator: N	
TCEQ	Region:	REGION 04 - DF	W METROPLEX					
Date 0	Compliance History Prepared:	August 14, 2008						
Agend	by Decision Requiring Compliance History:	Enforcement				,		
Comp	liance Period:	August 14, 2003 1	o August 14, 2008					
TCEQ Name	Staff Member to Contact for Additional Info		his Compliance History one: 512-239-1896	6				
		Site C	ompliance History Co	mponents				
1. Has	the site been in existence and/or operation	for the full five year	compliance period?	Yes				
2. Has	there been a (known) change in ownership	of the site during th	e compliance period?	No				
3. If Ye	es, who is the current owner?	•		N1/A			3	
	es, who was/were the prior owner(s)?		•	<u>N/A</u>		· · · · · · · · · · · · · · · · · · ·	•	
			r	N/A N/A				
	nen did the change(s) in ownership occur?							
Comp	conents (Multimedia) for the Site:							
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Tex	cas and the feder	al government.			
	N/A		•	-				
В.	Any criminal convictions of the state of N/A	Texas and the feder	al government.					
C.	Chronic excessive emissions events.							
	. N/A							
D.	The approval dates of investigations. (688525)	CCEDS Inv. Track. N	lo.)					
E.	Written notices of violations (NOV). (CO	CEDS Inv. Track. No	· ·.)				,	
F.	Environmental audits.				•			
G.	N/A Type of environmental management sy	votomo (EMCa)						
G.		stems (EMSS).						
Н.	N/A Voluntary on-site compliance assessment	ont datas	•	•				
	N/A	ent dates.						
l.	Participation in a voluntary pollution rec	fuction program			:			
	N/A	raction program.						
J.	Early compliance.				•			
	N/A							
Sites 0	Outside of Texas							
	N/A			•				

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
G & J INTERNATIONAL, INC. DBA	§	
SUNNY'S FOOD MART 3	§	
RN101546588	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1344-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 2997 North Stemmons Freeway in Lewisville, Denton County, Texas (the "Station").
- 2. The Station consists of one or more sources as defined in Tex. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 13, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Four Thousand Seven Hundred Dollars (\$4,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty Dollars (\$160) of the administrative penalty and Nine Hundred Forty Dollars (\$940) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Six Hundred Dollars (\$3,600) of the administrative penalty shall be payable in 18 monthly payments of Two Hundred Dollars (\$200) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Station:
 - a. Completed certified Stage II representative training and all current employees received in-house Stage II vapor recovery training on August 20, 2008;
 - b. Tested the Stage II vapor recovery system on August 21, 2008, with passing results;
 - c. Upgraded the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems on August 10, 2008;
 - d. Installed swivel adapters on the dry break and the fill ports on August 21, 2008; and
 - e. Posted operating instruction on the front of each gasoline dispensing pump equipped with Stage II equipment on August 21, 2008.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

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- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. 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 be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the Stage II equipment, in violation of 30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety CODE § 382.085(b), as documented during an investigation conducted on July 25, 2008.
- 2. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 25, 2008. Specifically, the Stage II annual testing had not been conducted.
- 3. Failed to upgrade the Stage II equipment to ORVR compatible systems, in violation of 30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 25, 2008.
- 4. Failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system, in violation of 30 Tex. ADMIN. CODE § 115.242(3)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 25, 2008. Specifically, the swivel adapters were not installed on the dry break or the fill ports.
- 5. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with Stage II equipment, in violation of 30 Tex. ADMIN. CODE § 115.242(9) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 25, 2008.

III. DENIALS

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

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3, Docket No. 2008-1344-PST-E" to:

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

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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G & JINTERNATIONAL, INC. dba Sunny's Food Mart 3 DOCKET NO. 2008-1344-PST-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		· :
For the Executive Director	1/23/2009 Date	· · · · · · · · · · · · · · · · · · ·
I, the undersigned, have read and understand the attached Agree attached Agreed Order on behalf of the entity indicated below and conditions specified therein. I further acknowledge that penalty amount, is materially relying on such representation.	eed Order. I am authorized to agree to the my signature, and I do agree to the terms the TCEQ, in accepting payment for the	free [10. 41]. 41.
I also understand that failure to comply with the Ordering Provi	isions, if any, in this order and/or failure to	
timely pay the penalty amount, may result in:	r ma	=
A negative impact on compliance history:	in the second se	<u>:</u>
• Greater scrutiny of any pennit applications submitted;		=
 Referral of this case to the Attorney General's Office penalties, and/or attorney fixes, or to a collection agency 		=
 Increased penalties in any future enforcement actions; 	** 	÷
 Automatic referral to the Attorney General's Office of a 		
TCEQ seeking other relief as authorized by law.		#
In addition, any falsification of any compliance documents may	result in criminal prosecution.	

Signature

Title

Name (Primæd or typed)

Authorized Representative of

G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order.

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