EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47942
PANJGRAYIAN INC. d/b/a 2 GS Country Store
RN103028742
Docket No. 2013-2080-PST-E

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
107 Highway 90 West, Devers, Liberty County

Type of Operation:
convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: August 1, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: $53,359

Total Paid to General Revenue: $0

Total Due to General Revenue: $53,359

Compliance History Classifications:
Person/CN –N/A
Site/RN – N/A

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: October 2, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): October 31, 2013

Violation Information

1. Failed to verify proper operation of the vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.245(2)].
2. Failed to report a suspected release to the TCEQ within 72 hours of discovery [30 TEX. ADMIN. CODE § 334.72].
3. Failed to investigate a suspected release of a regulated substance within 30 days of discovery [30 TEX. ADMIN. CODE § 334.74].
4. Failed to maintain the Stage II Vapor Recovery system 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 [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.242(3)].
5. Failed to test the line leak detector at least once per year for performance and operational reliability [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III)].
6. Failed to inspect all sumps including dispenser sumps, manways, overspill containers or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight [30 TEX. ADMIN. CODE § 334.42(i)].
7. Failed to maintain Stage II records at the Station [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.246(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
Respondent no longer operates the Station as of March 24, 2014.

Technical Requirements:
N/A

Litigation Information

Date Petition(s) Filed: April 7, 2014; May 7, 2014

Date Green Card(s) Signed: Unclaimed; Unclaimed

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Steven M. Fishburn, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, (512) 239-5717

TCEQ Regional Contact: Jason Ybarra, Houston Regional Office, (713) 767-3615

Respondent Contact: Manjeet Chhina, Director, PANJGRAYIAN INC., 7802 Heron Lakes Drive, Houston, Texas 77064

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

TCEQ

DATES					
Assigned	4-Nov-2013				
PCW	4-Apr-2014	Screening	13-Nov-2013	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	PANJGRAYIAN INC. dba 2 GS Country Store		
Reg. Ent. Ref. No.	RN103028742		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47942	No. of Violations	7
Docket No.	2013-2080-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$52,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Enhancement *Subtotals 2, 3, & 7* **$0**

Notes: No adjustment for compliance history.

Culpability No **0.0%** Enhancement *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **$0**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **$0**

Total EB Amounts $1,065
Approx. Cost of Compliance $6,468

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$52,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **1.6%** *Adjustment* **$859**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 1, 2, 5 and 6.

Final Penalty Amount **$53,359**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$53,359**

DEFERRAL **0.0%** Reduction *Adjustment* **$0**

Reduces the Final Assessed Penalty by the indicated percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **$53,359**

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written notices of violation ("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%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	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	0	0%
Judgments and Consent Decrees	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%
	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)*	0	0%
	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	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to verify proper operation of the vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the triennial testing of the Stage II equipment was not conducted.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events 1 | 93 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $7,500

One single event is recommended for the period preceding the October 2, 2013 investigation.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $529

Statutory Limit Test

Violation Final Penalty Total $7,623

This violation Final Assessed Penalty (adjusted for limits) $7,623

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]	$500	1-Jul-2013	2-Oct-2013	1.17	$29	$500	$529
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the triennial testing of the Stage II equipment. The date required is the operator change date, and the final date is the investigation date.						

Approx. Cost of Compliance $500

TOTAL $529

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code § 334.72

Violation Description Failed to report a suspected release to the TCEQ within 72 hours of discovery. Specifically, inconclusive statistical inventory reconciliation reports ("SIR") for the month of July 2013 indicated a suspected release that was not reported.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $3,811

This violation Final Assessed Penalty (adjusted for limits) $3,811

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]	$100	15-Aug-2013	18-Aug-2013	0.00	$0	$100	$100
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estmated avoided cost to report a suspected release. The date required is the date of the suspected release, and the final date is the date the report was due.						

Approx. Cost of Compliance $100

TOTAL $100

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 3

Rule Cite(s) 30 Tex. Admin Code § 334.74

Violation Description Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, SIR reports for the month of July 2013 indicated a suspected release that was not investigated.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 3 — 90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $22,500

Three monthly events are recommended from the release investigation due date of August 15, 2013 to the November 13, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $22,500

Economic Benefit (EB) for this violation

Estimated EB Amount $199

Statutory Limit Test

Violation Final Penalty Total $22,868

This violation Final Assessed Penalty (adjusted for limits) $22,868

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)	$5,000	15-Aug-2013	2-Jun-2014	0.80	$199	n/a	$199
Notes for DELAYED costs	Estimated cost to investigate a suspected release. The date required is release investigation due date, and the final date is the expected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				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 $5,000

TOTAL $199

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
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Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 4

Rule Cite(s) 30 Tex. Admin Code § 115.242(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the Stage II Vapor Recovery system 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 pressure decay test failed due to a crack in the regular unleaded spill bucket.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended based on documentation of the violation during the October 2, 2013 investigation to the November 13, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $3,811

This violation Final Assessed Penalty (adjusted for limits) $3,811

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
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				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)	$150	2-Oct-2013	2-Jun-2014	0.67	$5	n/a	$5
Notes for DELAYED costs	Estimated cost to replace the regular unleaded spill bucket. The date required is the investigation date, and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				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 $150

TOTAL $5

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 5

Rule Cite(s) 30 Tex. Admin Code § 334.50(b)(2)(A)(i)(III) and Tex. Water Code § 26.3475(a)

Violation Description Failed to test a line leak detector at least once per year for performance and operational reliability.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 1 — 93 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $7,500

One annual event is recommended for the period preceding the October 2, 2013 investigation.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: No good faith reduction in default situation.

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $125

Statutory Limit Test

Violation Final Penalty Total $7,623

This violation Final Assessed Penalty (adjusted for limits) $7,623

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)	$118	1-Jul-2013	2-Oct-2013	1.17	$7	$118	$125
Notes for AVOIDED costs	Estimated avoided cost to conduct the line leak detector test. The date required is the operator change date and the final date is the investigation date.						

Approx. Cost of Compliance $118

TOTAL $125

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 6

Rule Cite(s) 30 Tex. Admin Code § 334.42(i)

Violation Description Failed to inspect all sumps including dispenser sumps, manways, overspill containers or catchment basins associated with the underground storage tank ("UST") system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended based on documentation of the violation during the October 2, 2013 investigation to the November 13, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $105

Statutory Limit Test

Violation Final Penalty Total $3,811

This violation Final Assessed Penalty (adjusted for limits) $3,811

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]	$100	3-Aug-2013	2-Oct-2013	1.08	$5	$100	$105
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost of conducting bimonthly inspections of the sumps including dispenser sumps, manways, overspill containers or catchment basins associated with the UST system. The date required is 60 days prior to the investigation date, and the final date is the investigation date.						

Approx. Cost of Compliance $100

TOTAL $105

Screening Date	13-Nov-2013	**Docket No.**	2013-2080-PST-E	**PCW**
Respondent	PANJGRAYIAN INC. dba 2 GS Country Store			*Policy Revision 3 (September 2011)*
Case ID No.	47942			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN103028742			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Steven Van Landingham			

Violation Number 7

Rule Cite(s) 30 Tex. Admin Code § 115.246(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain Stage II records at the Station. Specifically, the Respondent did not keep a maintenance log for all repair/replacements conducted on any part of the Stage II equipment at the Station.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 14 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: No good faith reduction in default situation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $3,811

This violation Final Assessed Penalty (adjusted for limits) $3,811

Economic Benefit Worksheet

Respondent PANJGRAYIAN INC. dba 2 GS Country Store
Case ID No. 47942
Reg. Ent. Reference No. RN103028742
Media Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$500	2-Oct-2013	16-Oct-2013	0.04	$1	n/a	$1
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)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to maintain Stage II records at the Station. The date required is the investigation date, and the final date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]				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 $500

TOTAL $1

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN604389528, RN103028742, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN604389528, PANJGRAYIAN INC.	**Classification:** NOT APPLICABLE	**Rating:** N/A
Regulated Entity:	RN103028742, 2 GS Country Store	**Classification:** NOT APPLICABLE	**Rating:** N/A
Complexity Points:	N/A	**Repeat Violator:**	N/A
CH Group:	14 - Other		
Location:	107 HIGHWAY 90 W DEVERS, TX 77538-7125, LIBERTY COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 75290		

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: November 19, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 13, 2008 to November 13, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Steven Van Landingham **Phone:** (512) 239-5717

Site and Owner/Operator History:

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/operator of the site during the compliance period?	YES
3) If **YES** for #2, who is the current owner/operator?	PANJGRAYIAN INC. OPERATOR since 7/1/2013 WILCOX, DONALD W OWNER since 12/23/2006
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?	Our G & G, Inc., OPERATOR, 4/1/2008 to 6/30/2013
5) If **YES**, when did the change(s) in owner or operator occur?	7/1/2013

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.): N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.): N/A

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING PANJGRAYIAN INC. DBA 2 GS COUNTRY STORE; RN103028742	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-2080-PST-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is PANJGRAYIAN INC. d/b/a 2 GS Country Store ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent operated, as defined in 30 TEX. ADMIN. CODE § 334.2(70), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 107 Highway 90 West in Devers, Liberty County, Texas (Facility ID No. 75290) (the "Station"). The USTs at the Station are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and contain a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. During an investigation conducted on October 2, 2013, a TCEQ Houston Regional Office investigator documented that Respondent:

   a. Failed to verify proper operation of the vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the triennial testing of the Stage II equipment was not conducted;

   b. Failed to report a suspected release to the TCEQ within 72 hours of discovery. Specifically, inconclusive statistical inventory reconciliation reports ("SIR") for the month of July 2013 indicated a suspected release that was not reported;

   c. Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, SIR reports for the month of July 2013 indicated a suspected release that was not investigated;

   d. Failed to maintain the Stage II Vapor Recovery system 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 pressure decay test failed due to a crack in the regular unleaded spill bucket;

   e. Failed to test the line leak detector at least once per year for performance and operational reliability;

f. Failed to inspect all sumps, including dispenser sumps, manways, overspill containers or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight; and

g. Failed to maintain Stage II records at the Station. Specifically, Respondent did not keep a maintenance log for all repair/replacements conducted on any part of the Stage II equipment at the Station.

3. Respondent received notice of the violations on or about November 5, 2013.

4. The Executive Director recognizes that Respondent no longer operates the Station as of March 24, 2014.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of PANJGRAYIAN INC. d/b/a 2 GS Country Store" (the "EDPRP") in the TCEQ Chief Clerk's office on April 7, 2014.

6. The EDPRP was mailed to Respondent's last known address on April 7, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on May 7, 2014.

8. By letter dated May 7, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.

9. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2.a., Respondent failed to verify proper operation of the vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.245(2).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report a suspected release to the TCEQ within 72 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72.

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to investigate a suspected release of a regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74.

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain the Stage II Vapor Recovery system 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 TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.242(3).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to test the line leak detector at least once per year for performance and operational reliability, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III).

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to inspect all sumps including dispenser sumps, manways, overspill containers or catchment basins associated with the UST system, at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight, in violation of 30 TEX. ADMIN. CODE § 334.42(i).

8. As evidenced by Finding of Fact No. 2.g., Respondent failed to maintain Stage II records at the Station, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.246(3).

9. As evidenced by Findings of Fact Nos. 5 through 8, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

10. As evidenced by Finding of Fact No. 9, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

12. An administrative penalty in the amount of fifty-three thousand three hundred fifty-nine dollars ($53,359.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

13. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of fifty-three thousand three hundred fifty-nine dollars ($53,359.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: PANJGRAYIAN INC. d/b/a 2 GS Country Store; Docket No. 2013-2080-PST-E" to:

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

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Respondent.

5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

AFFIDAVIT OF STEVEN M. FISHBURN

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Steven M. Fishburn. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of PANJGRAYIAN INC. d/b/a 2 GS Country Store" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 7, 2014.

The EDPRP was mailed to Respondent's last known address on April 7, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on May 7, 2014.

The EDPRP was mailed to Respondent's last known address on May 7, 2014, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Steven M. Fishburn, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Steven M. Fishburn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 9 day of JULY, A.D. 2014.

AMANDA STORY
Notary Public, State of Texas
My Commission Expires
MARCH 3, 2018

Notary without Bond

Amanda Story
Notary Signature