

**Executive Summary – Enforcement Matter – Case No. 51513  
Far East Partners, Inc. dba Watts Grocery  
RN102258209  
Docket No. 2015-1828-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Watts Grocery, 201 King Road, Frisco, Denton County

**Type of Operation:**

Convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 10, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,982

**Amount Deferred for Expedited Settlement:** \$2,396

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$276

**Total Due to General Revenue:** \$9,310

Payment Plan: 35 payments of \$266 each

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 22, 2015

**Date(s) of NOE(s):** October 30, 2015

**Executive Summary – Enforcement Matter – Case No. 51513**  
**Far East Partners, Inc. dba Watts Grocery**  
**RN102258209**  
**Docket No. 2015-1828-PST-E**

***Violation Information***

1. Failed to monitor the underground storage tank ("UST") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, monthly inventory control ("IC") records were not submitted to have statistical inventory reconciliation ("SIR") conducted for March, April, May, July and August 2015, in no more than the 15 calendar days following the last day of the calendar month for which the analysis was performed [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to ensure that the emergency shutoff valves (also known as shear or impact valves) are securely anchored at the base of the dispensers. Specifically, the shear valves for dispensers 1/2 were not properly anchored [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].
3. Failed to report a suspected release to the TCEQ within 72 hours of discovery. Specifically, the SIR analysis of the May 2015 IC records for the super unleaded tank conducted on June 19, 2015 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(iv) and (v) and 334.72(3)].
4. Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, the SIR analysis of the May 2015 IC records conducted on June 19, 2015 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74(1)].
5. Failed to file a suspected release investigation report with the agency within 45 days after discovery of the suspected release [30 TEX. ADMIN. CODE § 334.74(3)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. Began monitoring the UST for releases on October 5, 2015;
- b. Anchored the emergency shutoff valves for dispenser 1/2 on October 21, 2015;
- c. Reported the suspected release on September 22, 2015;
- d. Investigated the suspected release and submitted passing test results to the agency on October 13, 2015; and
- e. Submitted a suspected release investigation report on February 1, 2016.

**Executive Summary – Enforcement Matter – Case No. 51513**  
**Far East Partners, Inc. dba Watts Grocery**  
**RN102258209**  
**Docket No. 2015-1828-PST-E**

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** John Fennell, Enforcement Division,  
Enforcement Team 7, MC 128, (512) 239-2616; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** N/A

**Respondent:** Ketankumar Patel, Officer, Far East Partners, Inc., 2621 Ozark Cove,  
McKinney, Texas 75070

**Respondent's Attorney:** N/A



<b>DATES</b>	Assigned	2-Nov-2015	<b>Screening</b>	9-Nov-2015	<b>EPA Due</b> <input style="width: 80%;" type="text"/>
	PCW	12-Apr-2016			

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Far East Partners, Inc. dba Watts Grocery
Reg. Ent. Ref. No.	RN102258209
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	51513	No. of Violations	5
Docket No.	2015-1828-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Fennell
Admin. Penalty \$ Limit	Minimum <input style="width: 50px;" type="text" value="\$0"/> Maximum <input style="width: 50px;" type="text" value="\$25,000"/>	EC's Team	Enforcement Team 7

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> <input style="width: 80%;" type="text" value="\$11,250"/>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	25.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b> <input style="width: 80%;" type="text" value="\$2,812"/>

Notes

<b>Culpability</b>	No <input style="width: 50px;" type="text"/> 0.0% Enhancement	<b>Subtotal 4</b> <input style="width: 80%;" type="text" value="\$0"/>
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Notes

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b> <input style="width: 80%;" type="text" value="-\$2,186"/>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b> <input style="width: 80%;" type="text" value="\$0"/>				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><small>Total EB Amounts</small></td> <td style="width: 50%;"><input style="width: 80%;" type="text" value="\$117"/></td> </tr> <tr> <td><small>Estimated Cost of Compliance</small></td> <td><input style="width: 80%;" type="text" value="\$2,268"/></td> </tr> </table>	<small>Total EB Amounts</small>	<input style="width: 80%;" type="text" value="\$117"/>	<small>Estimated Cost of Compliance</small>	<input style="width: 80%;" type="text" value="\$2,268"/>	<small>*Capped at the Total EB \$ Amount</small>	
<small>Total EB Amounts</small>	<input style="width: 80%;" type="text" value="\$117"/>					
<small>Estimated Cost of Compliance</small>	<input style="width: 80%;" type="text" value="\$2,268"/>					

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b> <input style="width: 80%;" type="text" value="\$11,876"/>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.9%	<b>Adjustment</b> <input style="width: 80%;" type="text" value="\$106"/>
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Notes

<b>Final Penalty Amount</b>	<input style="width: 80%;" type="text" value="\$11,982"/>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b> <input style="width: 80%;" type="text" value="\$11,982"/>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> <input style="width: 80%;" type="text" value="-\$2,396"/>
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Notes

<b>PAYABLE PENALTY</b>	<input style="width: 80%;" type="text" value="\$9,586"/>
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Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

### 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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	1	25%
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 ( <i>number of judgments or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 25%

Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)

Violation Description Failed to monitor the underground storage tank ("UST") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, monthly inventory control ("IC") records were not submitted to have statistical inventory reconciliation ("SIR") conducted for March, April, May, July and August 2015, in no more than the 15 calendar days following the last day of the calendar month for which the analysis was performed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor). Potential Major cell contains 'x'.

Percent 15.0%

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor. All cells are empty.

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would 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

13 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a column for marking with an 'x'. The 'monthly' cell contains 'x'.

Violation Base Penalty \$3,750

One monthly event is recommended from the September 22, 2015 investigation date to the October 5, 2015 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and Timing (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer). Ordinary Before NOE/NOV cell contains 'x'.

Notes The Respondent came into compliance on October 5, 2015, before the October 30, 2015 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

# Economic Benefit Worksheet

**Respondent** Far East Partners, Inc. dba Watts Grocery  
**Case ID No.** 51513  
**Reg. Ent. Reference No.** RN102258209  
**Media** Petroleum Storage Tank  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$1,500	22-Sep-2015	5-Oct-2015	0.04	\$3	n/a	\$3

Notes for DELAYED costs: Estimated delayed cost to monitor the USTs for releases. 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

\$1,500

**TOTAL**

\$3

Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.45(c)(3)(A)

Violation Description Failed to ensure that the emergency shutoff valves (also known as shear or impact valves) are securely anchored at the base of the dispensers. Specifically, the shear valves for dispenser 1/2 were not properly anchored.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 29

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$1,250

One quarterly event is recommended from the September 22, 2015 investigation date to the October 21, 2015 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$312

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, Extraordinary, Ordinary, N/A.

Notes The Respondent came into compliance on October 21, 2015, before the October 30, 2015 NOE.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,262

This violation Final Assessed Penalty (adjusted for limits) \$1,262



Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(d)(9)(A)(iv) and (v) and 334.72(3)

Violation Description

Failed to report a suspected release to the TCEQ within 72 hours of discovery. Specifically, the SIR analysis of the May 2015 IC records for the super unleaded tank conducted on June 19, 2015 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 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$1,576

This violation Final Assessed Penalty (adjusted for limits) \$1,576

# Economic Benefit Worksheet

**Respondent** Far East Partners, Inc. dba Watts Grocery  
**Case ID No.** 51513  
**Reg. Ent. Reference No.** RN102258209  
**Media** Petroleum Storage Tank  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	19-Jun-2015	22-Sep-2015	1.18	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for reporting a suspected release. The Date Required is the suspected release date and the Final Date is the date the suspected release was reported.

Approx. Cost of Compliance

\$100

**TOTAL**

\$106

Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.74(1)

Violation Description Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, the SIR analysis of the May 2015 IC records conducted on June 19, 2015 indicated a suspected release that was not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would 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 Number of violation days 86

mark only one with an x	daily		Violation Base Penalty \$3,750
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended from the July 19, 2015 release investigation due date to the October 13, 2015 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent came into compliance on October 13, 2015, before the October 30, 2015 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

# Economic Benefit Worksheet

**Respondent** Far East Partners, Inc. dba Watts Grocery  
**Case ID No.** 51513  
**Reg. Ent. Reference No.** RN102258209  
**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
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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)	\$468	19-Jul-2015	13-Oct-2015	0.24	\$6	n/a	\$6

Notes for DELAYED costs: Estimated delayed cost for investigating a suspected release. The Date Required is the release investigation due 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	\$468	<b>TOTAL</b>	\$6
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Screening Date 9-Nov-2015

Docket No. 2015-1828-PST-E

PCW

Respondent Far East Partners, Inc. dba Watts Grocery

Policy Revision 4 (April 2014)

Case ID No. 51513

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102258209

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.74(3)

Violation Description Failed to file a suspected release investigation report with the agency within 45 days after discovery of the suspected release.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 98

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,576

This violation Final Assessed Penalty (adjusted for limits) \$1,576

# Economic Benefit Worksheet

**Respondent** Far East Partners, Inc. dba Watts Grocery  
**Case ID No.** 51513  
**Reg. Ent. Reference No.** RN102258209  
**Media** Petroleum Storage Tank  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$100	3-Aug-2015	1-Feb-2016	0.50	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated delayed cost to submit a suspected release investigation report within 45 days after discovery of a suspected release. The Required Date is the report due 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

\$100

**TOTAL**

\$2

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.



# TCEQ Compliance History Report

**PENDING** Compliance History Report for CN604287813, RN102258209, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN604287813, Far East Partners, Inc.      **Classification:** SATISFACTORY      **Rating:** 20.45

**Regulated Entity:** RN102258209, Watts Grocery      **Classification:** SATISFACTORY      **Rating:** 37.50

**Complexity Points:** 6      **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 201 KING RD FRISCO, DENTON COUNTY, TX

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 69768

**Compliance History Period:** September 01, 2010 to August 31, 2015      **Rating Year:** 2015      **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** November 09, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 09, 2010 to November 09, 2015

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

**Name:** John Fennell

**Phone:** (512) 239-2616

**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?      Far East Partners, Inc. OWNER OPERATOR since 1/1/2013
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?      AKASHSAGAR INC, OPERATOR, 2/1/2013 to 7/29/2015  
Jian Enterprises Inc., OWNER OPERATOR, 8/2/2007 to 12/31/2012
- 5) If **YES**, when did the change(s) in owner or operator occur?      1/1/2013

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

**A. Final Orders, court judgments, and consent decrees:**

1      Effective Date: 12/18/2013      ADMINORDER 2012-2426-PST-E (Findings Order-Default)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(d)  
30 TAC Chapter 334, SubChapter C 334.49(a)(1)

Description: Failed to provide corrosion protection for the UST system.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Failed to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)

Description: Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel.

**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.):**

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.

N/A

**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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FAR EAST PARTNERS, INC. DBA  
WATTS GROCERY  
RN102258209

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2015-1828-PST-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Far East Partners, Inc. dba Watts Grocery ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 201 King Road in Frisco, Denton County, Texas (the "Facility").
2. The Respondent's underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Executive Director 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 November 4, 2015.
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 \$11,982 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$276 of the penalty and \$2,396 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$9,310 of the penalty shall be paid in 35 monthly payments of \$266 each. The first monthly payment shall be paid within 30 days after the effective date of this 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 comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Began monitoring the UST for releases on October 5, 2015;
  - b. Anchored the emergency shutoff valves for dispenser 1/2 on October 21, 2015;
  - c. Reported the suspected release on September 22, 2015;
  - d. Investigated the suspected release and submitted passing test results to the agency on October 13, 2015; and
  - e. Submitted a suspected release investigation report on February 1, 2016.
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.
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 Facility, the Respondent is alleged to have:

1. Failed to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an

investigation conducted on September 22, 2015. Specifically, monthly inventory control ("IC") records were not submitted to have statistical inventory reconciliation ("SIR") conducted for March, April, May, July and August 2015, in no more than the 15 calendar days following the last day of the calendar month for which the analysis was performed.

2. Failed to ensure that the emergency shutoff valves (also known as shear or impact valves) are securely anchored at the base of the dispensers, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on September 22, 2015. Specifically, the shear valves for dispensers 1/2 were not properly anchored.
3. Failed to report a suspected release to the TCEQ within 72 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(iv) and (v) and 334.72(3), as documented during an investigation conducted on September 22, 2015. Specifically, the SIR analysis of the May 2015 IC records for the super unleaded tank conducted on June 19, 2015 indicated a suspected release that was not reported.
4. Failed to investigate a suspected release of a regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74(1), as documented during an investigation conducted on September 22, 2015. Specifically, the SIR analysis of the May 2015 IC records conducted on June 19, 2015 indicated a suspected release that was not investigated.
5. Failed to file a suspected release investigation report with the agency within 45 days after discovery of the suspected release, in violation of 30 TEX. ADMIN. CODE § 334.74(3), as documented during an investigation conducted on September 22, 2015.

### III. DENIALS

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

### 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: Far East Partners, Inc. dba Watts Grocery, Docket No. 2015-1828-PST-E" to:

Financial Administration Division, Revenue Operations 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 Facility 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

9/6/16  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

04/26/16  
\_\_\_\_\_  
Date

Ketankumar R Patel  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Far East Partners, Inc. dba Watts Grocery

Officer  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.