

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58335  
Naveen Bains and Rozy Bains dba Lucky Stop & Go  
RN101549590  
Docket No. 2019-1355-PST-E

Page 1 of 3

**Order Type:**  
Default Shutdown Order

**Media:**  
PST

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
830 South Crockett Avenue, Denison, Grayson 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:** March 18, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$6,809  
**Total Paid to General Revenue:** \$0  
**Total Due to General Revenue:** \$6,809

**Compliance History Classifications:**  
Person/CN - High  
Site/RN - High

**Major Source:** No  
**Statutory Limit Adjustment:** None  
**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** July 8, 2019  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** August 29, 2019

**Violation Information**

1. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST system [30 TEX. ADMIN. CODE § 37.815(a) and (b)].
2. Failed to monitor USTs in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A)].
3. Failed to provide release detection for the pressurized piping associated with the UST system [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately shut down operations of all USTs at the Facility:
  - a. Cease dispensing fuel from the USTs;
  - b. Cease receiving deliveries of regulated substances into the USTs;
  - c. Padlock the dispensers;
  - d. Empty the USTs of all regulated substances; and
  - e. Temporarily remove the USTs from service.
2. The Facility's UST fuel delivery certificate is revoked immediately. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements set forth in the Order, including payment of the administrative penalty in full.
3. The USTs shall remain out of service until such time as Respondent demonstrates to the satisfaction of the Executive Director that the violations have been corrected and Respondent obtains a new fuel delivery certificate for the Facility.
4. Immediately cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
5. Within 10 days, Respondent shall surrender the Facility's UST fuel delivery certificate to the TCEQ.
6. Within 15 days, submit a detailed written report documenting the steps taken to comply with Technical Requirements Nos. 1, 4 and 5.
7. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline:
  - a. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST system;
  - b. Implement a method of release detection for all USTs at the Facility;
  - c. Conduct the annual line leak detector and piping tightness tests for the USTs at the Facility; and
  - d. Obtain a new fuel delivery certificate.
8. Upon obtaining a new fuel delivery certificate, post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times.
9. Within 10 days of resuming sales of gasoline, submit written certification to demonstrate compliance with Technical Requirements Nos. 7 and 8.

**Litigation Information**

**Date Petition(s) Filed:** July 21, 2020  
**Date Green Card(s) Signed:** July 27, 2020  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Megan Grace, Litigation Division, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** John Fennell, Enforcement, (512) 239-2616

**TCEQ Regional Contact:** Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Naveen Bains and Rozy Bains, 2101 Deer Run, Denison, Texas 75021

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Sep-2019	<b>Screening</b>	17-Sep-2019	<b>EPA Due</b>	
	<b>PCW</b>	6-Jan-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Naveen Bains and Rozy Bains dba Lucky Stop & Go				
<b>Reg. Ent. Ref. No.</b>	RN101549590				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58335	<b>No. of Violations</b>	2
<b>Docket No.</b>	2019-1355-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tyler Smith
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$5,000</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>-10.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$500</b>
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<b>Notes</b>	Reduction for High Performer classification.
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$1,953	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$4,656	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>51.3%</b>	<b>Adjustment</b>	<b>\$2,309</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2 and High Performer reduction.
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<b>Final Penalty Amount</b>	<b>\$6,809</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,809</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$6,809</b>
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<b>Screening Date</b>	17-Sep-2019	<b>Docket No.</b>	2019-1355-PST-E	<b>PCW</b>
<b>Respondent</b>	Naveen Bains and Rozy Bains dba Lucky Stop & Go			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	58335			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101549590			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Tyler Smith			

## Compliance History Worksheet

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

Component	Number of...	Number	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	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 ( <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%
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)

No

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

### >> Compliance History Summary

**Compliance History Notes**

Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** -10%

<b>Screening Date</b>	17-Sep-2019	<b>Docket No.</b>	2019-1355-PST-E	<b>PCW</b>	
<b>Respondent</b>	Naveen Bains and Rozy Bains dba Lucky Stop & Go			Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	58335	PCW Revision March 26, 2014			
<b>Reg. Ent. Reference No.</b>	RN101549590				
<b>Media</b>	Petroleum Storage Tank				
<b>Enf. Coordinator</b>	Tyler Smith				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 37.815(a) and (b)				
<b>Violation Description</b>	Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum underground storage tank ("UST") system.				
				<b>Base Penalty</b>	\$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>				
		Major	Moderate	Minor		
	Actual					
	Potential					<b>Percent</b> <span style="border: 1px solid black; padding: 0 20px;">0.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
		X				
	<b>Percent</b>	5.0%				

<b>Matrix Notes</b>	100% of the rule requirement was not met.
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**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events	1		71	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		

**Violation Base Penalty** \$1,250

One single event is recommended.

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	X			

<b>Notes</b>	The Respondents do not meet the good faith criteria for this violation.
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**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$1,729	<b>Violation Final Penalty Total</b>	\$1,702

**This violation Final Assessed Penalty (adjusted for limits)** \$1,702

# Economic Benefit Worksheet

**Respondent** Naveen Bains and Rozy Bains dba Lucky Stop & Go  
**Case ID No.** 58335  
**Reg. Ent. Reference No.** RN101549590  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## 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)	\$1,320	8-Jul-2019	29-Jun-2020	0.98	\$65	n/a	\$65

### Notes for DELAYED costs

Estimated delayed cost to provide financial assurance for two USTs (\$660 per tank). The date required is the investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE 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	\$1,320	8-Jul-2018	17-Sep-2019	1.19	\$87	\$1,577	\$1,664
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for two USTs (\$660 per tank). The date required is one year prior to the investigation date and the final date is the screening date.

### Approx. Cost of Compliance

\$2,897

### TOTAL

\$1,729



<b>Screening Date</b>	17-Sep-2019	<b>Docket No.</b>	2019-1355-PST-E	<b>PCW</b>		
<b>Respondent</b>	Naveen Bains and Rozy Bains dba Lucky Stop & Go			Policy Revision 4 (April 2014)		
<b>Case ID No.</b>	58335	PCW Revision March 26, 2014				
<b>Reg. Ent. Reference No.</b>	RN101549590					
<b>Media</b>	Petroleum Storage Tank					
<b>Enf. Coordinator</b>	Tyler Smith					
<b>Violation Number</b>	<div style="border: 1px solid black; padding: 2px;">2</div>					
<b>Rule Cite(s)</b>	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)</div>					
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;">Failed to monitor USTs in a manner which will detect a release, at a frequency of at least once every 30 days. Also, failed to provide release detection for the pressurized piping associated with the USTs. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.</div>					
				<b>Base Penalty</b>	<div style="border: 1px solid black; padding: 2px;">\$25,000</div>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Release</b>	<b>Harm</b>				
		Major      Moderate      Minor				
	Actual	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>		
	Potential	<div style="border: 1px solid black; padding: 2px;">X</div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>		
				<b>Percent</b>	<div style="border: 1px solid black; padding: 2px;">15.0%</div>	
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor		
	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>		
				<b>Percent</b>	<div style="border: 1px solid black; padding: 2px;">0.0%</div>	
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">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.</div>					
				<b>Adjustment</b>	<div style="border: 1px solid black; padding: 2px;">\$21,250</div>	
				<div style="border: 1px solid black; padding: 2px;">\$3,750</div>		
<b>Violation Events</b>						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">71</div>	
	daily	<div style="border: 1px solid black; padding: 2px;"></div>				
	weekly	<div style="border: 1px solid black; padding: 2px;"></div>				
	monthly	<div style="border: 1px solid black; padding: 2px;"></div>				
	quarterly	<div style="border: 1px solid black; padding: 2px;">X</div>				
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>				
	annual	<div style="border: 1px solid black; padding: 2px;"></div>				
	single event	<div style="border: 1px solid black; padding: 2px;"></div>				
				<b>Violation Base Penalty</b>	<div style="border: 1px solid black; padding: 2px;">\$3,750</div>	
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">One quarterly event is recommended from the July 8, 2019 investigation date to the September 17, 2019 screening date.</div>						
<b>Good Faith Efforts to Comply</b>		<div style="border: 1px solid black; padding: 2px;">0.0%</div>	<b>Reduction</b>		<div style="border: 1px solid black; padding: 2px;">\$0</div>	
		Before NOE/NOV      NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary	<div style="border: 1px solid black; padding: 2px;"></div>				
	Ordinary	<div style="border: 1px solid black; padding: 2px;"></div>				
	N/A	<div style="border: 1px solid black; padding: 2px;">X</div>				
	<b>Notes</b>	<div style="border: 1px solid black; padding: 5px;">The Respondents do not meet the good faith criteria for this violation.</div>				
				<b>Violation Subtotal</b>	<div style="border: 1px solid black; padding: 2px;">\$3,750</div>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$224</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; padding: 2px;">\$5,107</div>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<div style="border: 1px solid black; padding: 2px;">\$5,107</div>		

## Economic Benefit Worksheet

**Respondent** Naveen Bains and Rozy Bains dba Lucky Stop & Go  
**Case ID No.** 58335  
**Reg. Ent. Reference No.** RN101549590  
**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	Costs Saved	EB Amount
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### 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
Other (as needed)	\$118	8-Jul-2019	29-Jun-2020	0.98	\$6	n/a	\$6
Other (as needed)	\$1,500	8-Jul-2019	29-Jun-2020	0.98	\$73	n/a	\$73

#### Notes for DELAYED costs

Estimated delayed cost to implement a method of release detection for all USTs at the Facility (\$1,500) and to conduct the line leak detector test and piping tightness test (\$118). The date required is the investigation date and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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	\$118	8-Jul-2018	17-Sep-2019	1.19	\$4	\$141	\$145
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided costs to conduct the line leak detector test and piping tightness test. The date required is one year prior to the investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$1,759

**TOTAL**

\$224

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

Compliance History Report for CN605691419, RN101549590, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN605691419, Naveen Bains

**Classification:** HIGH

**Rating:** 0.00

**Regulated Entity:** RN101549590, Lucky Stop & Go

**Classification:** HIGH

**Rating:** 0.00

**Complexity Points:** 2

**Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 830 South Crockett Avenue in Denison, Grayson County, Texas

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

**ID Number(s):**

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 27559

**Compliance History Period:** September 01, 2014 to August 31, 2019

**Rating Year:** 2019

**Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** September 16, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 16, 2014 to September 16, 2019

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

**Name:** Tyler Smith

**Phone:** (512) 239-3421

## 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) Who is the current owner/operator? Bains, Rozy OWNER OPERATOR since 3/10/2018  
Bains, Naveen OWNER OPERATOR since 3/10/2018
- 4) Who was/were the prior owner(s)/operator(s)? KISHORE, NAND, OWNER OPERATOR, 9/1/1988 to 1/9/2018

## 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.):**

Item 1 August 31, 2016 (1357989)

### **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

**Component Appendices****Appendix A****All NOVs Issued During Component Period 9/16/2014 and 9/16/2019**

N/A

For Informational Purposes Only

**Appendix B****All Investigations Conducted During Component Period September 16, 2014 and September 16, 2019**

(1357989)

Item 1\*

August 31, 2016\*\*

For Informational Purposes Only

(1591005)

Item 2

August 29, 2019\*\*

For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

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



# Compliance History Report

Compliance History Report for CN605691435, RN101549590, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN605691435, Rozy Bains

**Classification:** HIGH

**Rating:** 0.00

**Regulated Entity:** RN101549590, Lucky Stop & Go

**Classification:** HIGH

**Rating:** 0.00

**Complexity Points:** 2

**Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 830 South Crockett Avenue in Denison, Grayson County, Texas

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

## ID Number(s):

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 27559

**Compliance History Period:** September 01, 2014 to August 31, 2019

**Rating Year:** 2019

**Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** September 18, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 18, 2014 to September 18, 2019

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

**Name:** Tyler Smith

**Phone:** (512) 239-3421

## 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) Who is the current owner/operator? Bains, Rozy OWNER OPERATOR since 3/10/2018  
Bains, Naveen OWNER OPERATOR since 3/10/2018
- 4) Who was/were the prior owner(s)/operator(s)? KISHORE, NAND, OWNER OPERATOR, 9/1/1988 to 1/9/2018

## 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.):

Item 1 August 31, 2016 (1357989)

### 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

**Component Appendices**

**Appendix A**  
**All NOVs Issued During Component Period 9/18/2014 and 9/18/2019**

N/A For Informational Purposes Only

**Appendix B**  
**All Investigations Conducted During Component Period September 18, 2014 and September 18, 2019**

(1357989)  
Item 1\* August 31, 2016\*\* For Informational Purposes Only

(1591005)  
Item 2 August 29, 2019\*\* For Informational Purposes Only

\* No violations documented during this investigation  
\*\*Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NAVEEN BAINS AND ROZY BAINS  
DBA LUCKY STOP & GO;  
RN101549590**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT AND SHUTDOWN ORDER**

**DOCKET NO. 2019-1355-PST-E**

On \_\_\_\_\_, 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, corrective action of the respondents, and revocation of the facility's fuel delivery certificate. The Commission also considered the Executive Director's Motion requesting the entry of an Order requiring the respondent to shut down and remove from service the underground storage tanks ("USTs") located at 830 South Crockett Avenue in Denison, Grayson County, Texas. The respondent made the subject of this Order is Naveen Bains and Rozy Bains dba Lucky Stop & Go ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondents own and operate, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), a UST system and a convenience store with retail sales of gasoline located at 830 South Crockett Avenue in Denison, Grayson County, Texas (Facility ID No. 27559) (the "Facility"). The USTs at the Facility 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.
2. During an investigation conducted on July 8, 2019, an investigator documented that Respondents:
  - a. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST system;
  - b. Failed to monitor USTs in a manner which will detect a release at a frequency of at least once every 30 days; and
  - c. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, Respondents did not conduct the annual line leak detector and piping tightness tests.
3. By letter dated August 29, 2019, Respondents were provided with written notice of the violations and of TCEQ's authority to shut down and remove from service USTs not in compliance with release detection, spill and/or overfill prevention, corrosion protection, and/or financial assurance requirements if the violations were not corrected.
4. 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 Naveen Bains and Rozy Bains dba Lucky Stop & Go” (the “EDPRP”) in the TCEQ Chief Clerk’s office on July 21, 2020.

5. By letter dated July 21, 2020, sent to Respondents’ last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served each Respondent with notice of the EDPRP. According to the return receipt “green cards,” each Respondent received notice of the EDPRP on July 27, 2020, as evidenced by the signatures on the cards.
6. More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.
7. By letter dated February 11, 2022, the Executive Director provided Respondents with notice of TCEQ’s intent to order the USTs at the Facility to be shut down and removed from service if Respondents failed to correct the financial assurance and release detection violations within 30 days after Respondent’s receipt of the notice.
8. As of the date of entry of this Order, Respondents have not provided the Executive Director with documentation demonstrating that the financial assurance and release detection violations alleged in Findings of Fact Nos. 2.a., 2.b., and 2.c. have been corrected.
9. The USTs at the Facility do not have financial assurance as required by TEX. WATER CODE §§ 26.3475(e) and 26.352(i), and 30 TEX. ADMIN. CODE § 37.815(a) and (b), or release detection as required by TEX. WATER CODE § 26.3475(a) and (c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (b)(2), and may be releasing petroleum products to the environment. Therefore, conditions at the Facility constitute an imminent peril to public health, safety, and welfare.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are 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., Respondents failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST system, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to monitor USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to provide release detection for the pressurized piping associated with the UST system, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2).
5. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
6. As evidenced by Finding of Fact No. 6, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondents 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.
8. An administrative penalty in the amount of six thousand eight hundred nine dollars (\$6,809.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
  9. As evidenced by Findings of Fact Nos. 2.a., 2.b., 2.c., 3, 7, and 8, Respondents failed to correct documented violations of TCEQ financial assurance and release detection requirements within 30 days after Respondents received notice of the violations and notice of the Executive Director's intent to shut down the USTs at the Facility.
  10. TEX. WATER CODE §§ 26.3475(e) and 26.352(i) authorize the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of TCEQ regulatory requirements relating to release detection for tanks and/or piping, spill and/or overfill prevention for tanks, corrosion protection for tanks and/or piping, and/or acceptable financial assurance.
  11. 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.
  12. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke the Facility's UST fuel delivery certificate if the Commission finds that good cause exists.
  13. Good cause for revocation of the Facility's UST fuel delivery certificate exists as justified by Findings of Fact Nos. 2 and 4 through 6, and Conclusions of Law Nos. 2 through 6.
  14. As evidenced by Findings of Fact Nos. 8 and 9, current conditions at the Facility constitute an imminent peril to public health, safety, and welfare. Therefore, pursuant to the Administrative Procedure Act, TEX. GOV'T CODE § 2001.144(a)(3), this Order is final and effective on the date it is signed by the Commission.

#### ORDERING PROVISIONS

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

1. Immediately upon the effective date of this Order, Respondents shall take the following steps to shut down operations of all USTs at the Facility:
  - a. Cease dispensing fuel from the USTs;
  - b. Cease receiving deliveries of regulated substances into the USTs;
  - c. Secure the dispensers to prevent access;
  - d. Empty the USTs of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and
  - e. Temporarily remove the USTs from service in accordance with 30 TEX. ADMIN. CODE § 334.54.
2. The Facility's UST fuel delivery certificate is revoked immediately upon the effective date of this Order. Respondents may submit an application for a new fuel delivery certificate only after Respondents have complied with all of the requirements set forth in this Order, including payment of the administrative penalty in full.
3. The USTs at the Facility shall remain out of service, pursuant to TEX. WATER CODE §§ 26.3475(e) and 26.352(i) and as directed by Ordering Provisions Nos. 1.a. through 1.e. until such time as Respondents demonstrate to the satisfaction of the Executive Director that the financial assurance and release detection violations noted in

Conclusions of Law Nos. 2, 3, and 4, have been corrected and Respondents obtain a new fuel delivery certificate for the Facility.

4. Immediately upon the effective date of this Order, Respondents shall cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ in accordance with 30 TEX. ADMIN. CODE §§ 334.7 and 334.8.
5. Within 10 days after the effective date of this Order, Respondents shall send the Facility's UST fuel delivery certificate to:  

Petroleum Storage Tank Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
6. Within 15 days after the effective date of this Order, Respondents shall submit a detailed written report, in accordance with Ordering Provision No. 13, below, documenting the steps taken to comply with Ordering Provisions Nos. 1.a. through 1.e., 4 and 5.
7. If Respondents elect to permanently remove from service any portion of the UST system at the Facility, Respondents shall, immediately upon the effective date of this Order, permanently remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.55, and within 15 days after the effective date of this Order, shall submit a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55 to:  

Petroleum Storage Tank Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
8. Respondents are assessed an administrative penalty in the amount of six thousand eight hundred nine dollars (\$6,809.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
9. The 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 TCEQ and shall be sent with the notation "Re: Naveen Bains and Rozy Bains dba Lucky Stop & Go; Docket No. 2019-1355-PST-E" to:  

Financial Administration Division, Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
10. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline, Respondents shall undertake the following technical requirements:
  - a. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST system, in accordance with 30 TEX. ADMIN. CODE § 37.815;
  - b. Implement a method of release detection for all USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;

- c. Conduct the annual line leak detector and piping tightness tests for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
  - d. Obtain a new fuel delivery certificate from the TCEQ.
- 11. Upon obtaining a new fuel delivery certificate, Respondents shall post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii).
  - 12. Within 10 days of resuming retail sales of gasoline, Respondents shall submit written certification, in accordance with Ordering Provision No. 13, below, to demonstrate compliance with Ordering Provisions Nos. 10 and 11.
  - 13. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Respondents shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team  
Texas Commission on Environmental Quality  
Enforcement Division, MC 149A  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

- 14. All relief not expressly granted in this Order is denied.
- 15. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 16. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 17. If Respondents fail 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, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's

satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

18. 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 Respondents if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
19. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
20. 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.
21. The Chief Clerk shall provide a copy of this fully executed 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**

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF MEGAN GRACE

"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 Naveen Bains and Rozy Bains dba Lucky Stop & Go" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 21, 2020.

The EDPRP was mailed to Respondent's last known address on July 21, 2020, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," each Respondent received notice of the EDPRP on July 27, 2020, as evidenced by the signatures on the cards.

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

By letter dated February 11, 2022, sent via first class mail and certified mail, return receipt requested article nos. 7020 1810 0000 2649 3977, 7020 1810 0000 2649 3991, 7020 1810 0000 2649 3984, and 7020 1810 0000 2649 4004, I provided Respondents with notice of the TCEQ's intent to order the USTs at the Facility be shut down and removed from service if the violations pertaining to financial assurance and release detection were not corrected within 30 days of Respondent's receipt of the letter. According to the return receipt "green card," Respondents received the notice on February 18, 2022.

As of the date of this declaration, I am not aware of any evidence that indicates that Respondents have corrected the financial assurance and release detection violations noted during the July 8, 2019, investigation."

"My name is Megan L. Grace, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,  
State of Texas,  
on the 22nd day of February, 2022

A handwritten signature in black ink, appearing to read "Megan L. Grace".

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Declarant