

Executive Summary – Enforcement Matter – Case No. 60978
PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1
RN102480746
Docket No. 2021-0842-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Stewart Food Mart 1, 6102 Stewart Road, Galveston, Galveston County

Type of Operation:

Underground storage tank ("UST") system and a 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: March 18, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,928

Amount Deferred for Expedited Settlement: \$5,185

Total Paid to General Revenue: \$726

Total Due to General Revenue: \$20,017

Payment Plan: 34 payments of \$571 and one final payment of \$603

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 19, 2021

Date(s) of NOE(s): June 18, 2021

Executive Summary – Enforcement Matter – Case No. 60978
PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1
RN102480746
Docket No. 2021-0842-PST-E

Violation Information

1. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Specifically, the Respondent had not conducted the triennial testing of the spill buckets by the January 1, 2021 testing due date [30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2)].
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the TCEQ was not notified of a suspected release after the discovery of vapor pressure leaks from the Line #1 submersible pump during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release [30 TEX. ADMIN. CODE § 334.72].
3. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, suspected releases were not investigated after vapor pressure leaks from the Line #1 submersible pump were discovered during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release [30 TEX. ADMIN. CODE § 334.74].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Conduct the triennial testing of the spill prevention equipment;
 - ii. Develop and implement a process for reporting suspected releases timely; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 60978
PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1
RN102480746
Docket No. 2021-0842-PST-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Courtney Gooris, Enforcement Division,
Enforcement Team 7, MC 219, (817) 588-5863; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Atul K. Jain, President, PADAM PRABHU INVESTMENT, INC., 3512
Acorn Wood Way, Houston, Texas 77059

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021		
	PCW	17-Aug-2022	Screening	30-Jun-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1			
Reg. Ent. Ref. No.	RN102480746			
Facility/Site Region	12-Houston	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	60978	No. of Violations	3	
Docket No.	2021-0842-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Courtney Gooris	
		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$28,750
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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.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$2,875
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$192	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,450	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2%	Adjustment	\$53
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.
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Final Penalty Amount	\$25,928
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,928
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,185
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$20,743
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Screening Date

30-Jun-2021

Docket No.

2021-0842-PST-E

PCW

Respondent

PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1

Case ID No.

60978

Reg. Ent. Reference No.

RN102480746

Media

Petroleum Storage Tank

Enf. Coordinator

Courtney Gooris

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High PerformerAdjustment 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%

Screening Date 30-Jun-2021		Docket No. 2021-0842-PST-E		PCW	
Respondent PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 60978		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102480746					
Media Petroleum Storage Tank					
Enf. Coordinator Courtney Gooris					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and Tex. Water Code § 26.3475(c)(2)			
Violation Description		Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Specifically, the Respondent had not conducted the triennial testing of the spill buckets by the January 1, 2021 testing due date.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%
>> 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 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		72 Number of violation days	
	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			
	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		\$27		Violation Final Penalty Total \$1,127	
		This violation Final Assessed Penalty (adjusted for limits)		\$1,127	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1

60978

RN102480746

Petroleum Storage Tank

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)	\$300	1-Jan-2021	17-Apr-2022	1.29	\$1	\$26	\$27
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	Estimated delayed cost to conduct the triennial inspection of the spill prevention equipment (\$300, \$100 per ball float). The Date Required is the inspection and testing due 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				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							

Approx. Cost of Compliance	\$300	TOTAL	\$27
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Screening Date		30-Jun-2021		Docket No.		2021-0842-PST-E		PCW					
Respondent		PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1						Policy Revision 5 (January 28, 2021)					
Case ID No.		60978						PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN102480746											
Media		Petroleum Storage Tank											
Enf. Coordinator		Courtney Gooris											
Violation Number		2											
Rule Cite(s)		30 Tex. Admin. Code § 334.72											
Violation Description		Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the TCEQ was not notified of a suspected release after the discovery of vapor pressure leaks from the Line #1 submersible pump during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release.											
Base Penalty								\$25,000					
>> Environmental, Property and Human Health Matrix													
OR		Release		Major		Moderate		Minor					
		Actual											
		Potential											
								Percent		0.0%			
>>Programmatic Matrix													
		Falsification		Major		Moderate		Minor					
				x						Percent		10.0%	
Matrix Notes		100% of the rule requirement was not met.											
Adjustment								\$22,500					
										\$2,500			
Violation Events													
		Number of Violation Events		2		517		Number of violation days					
		daily											
		weekly											
		monthly											
		quarterly											
		semiannual											
		annual											
		single event		x						Violation Base Penalty		\$5,000	
		Two single events are recommended (one event for each unreported suspected release).											
Good Faith Efforts to Comply				0.0%				Reduction		\$0			
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer									
		Extraordinary											
		Ordinary											
		N/A		x									
		Notes		The Respondent does not meet the good faith criteria for this violation.									
Violation Subtotal								\$5,000					
Economic Benefit (EB) for this violation										Statutory Limit Test			
		Estimated EB Amount		\$58		Violation Final Penalty Total		\$4,509					
This violation Final Assessed Penalty (adjusted for limits)								\$4,509					

Economic Benefit Worksheet

Respondent PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1
Case ID No. 60978
Reg. Ent. Reference No. RN102480746
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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	19-Apr-2021	17-Apr-2022	0.99	\$5	n/a	\$5
Notes for DELAYED costs	Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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				0.00	\$0	\$0	\$0
Other (as needed)	\$25	30-Jan-2020	30-Jun-2021	1.42	\$2	\$25	\$27
Other (as needed)	\$25	27-Jan-2021	30-Jun-2021	0.42	\$1	\$25	\$26
Notes for AVOIDED costs	Estimated avoided cost to report the suspected releases. The Dates Required are the 24-hour due dates of when the suspected releases should have been reported and the Final Dates are the screening date.						

Approx. Cost of Compliance \$150

TOTAL \$58

Screening Date	30-Jun-2021	Docket No.	2021-0842-PST-E	PCW	
Respondent	PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1			<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	60978			<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN102480746				
Media	Petroleum Storage Tank				
Enf. Coordinator	Courtney Gooris				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code § 334.74				
Violation Description	<p>Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, suspected releases were not investigated after vapor pressure leaks from the Line #1 submersible pump were discovered during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release.</p>				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	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 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	6	Number of violation days	488	
	Frequency	daily			
		weekly			
		monthly			
		quarterly	x		Violation Base Penalty \$22,500
		semiannual			
		annual			
		single event			
	Six quarterly events are recommended from the earliest suspected release investigation due date of February 28, 2020 to the June 30, 2021 screening date.				
Good Faith Efforts to Comply	0.0%	Reduction	\$0		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal	\$22,500			
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	\$107	Violation Final Penalty Total	\$20,291	
	This violation Final Assessed Penalty (adjusted for limits)			\$20,291	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1
60978
RN102480746
Petroleum Storage Tank
3

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)	\$1,000	28-Feb-2020	17-Apr-2022	2.13	\$107	n/a	\$107
Notes for DELAYED costs	Estimated delayed cost (\$400 for testing and \$600 for the Release Determination Report) to conduct an investigation of the suspected release for the UST system. The Date Required is the earliest 30-day suspected release investigation due 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				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							

Approx. Cost of Compliance	\$1,000	TOTAL	\$107
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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 CN603555145, RN102480746, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN603555145, PADAM PRABHU INVESTMENT, INC.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102480746, Stewart Food Mart 1	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator:	NO
CH Group:	01 - Gas Stations with convenience Stores and other Gas Stations		
Location:	6102 Stewart Road, Galveston, Galveston County, Texas 77551		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28602			
Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year: 2021	Rating Date: 09/01/2021
Date Compliance History Report Prepared: January 06, 2022			
Agency Decision Requiring Compliance History: Enforcement			
Component Period Selected: January 06, 2017 to January 06, 2022			
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Courtney Gooris		Phone: (817) 588-5863	

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? | NO |

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 July 13, 2018 (1484691)

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

PADAM PRABHU INVESTMENT, INC.
DBA STEWART FOOD MART 1
RN102480746

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0842-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 PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1 (the "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, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 6102 Stewart Road in Galveston, Galveston County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$25,928 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$726 of the penalty and \$5,185 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 \$20,017 of the undeferred penalty shall be paid in 34 monthly payments of \$571 each and one final monthly payment of \$603. 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 the penalty is 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 and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. 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). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a timelier resolution of the matter.
6. 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 Order.
7. This Order represents the complete and fully integrated agreement of the parties. 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.
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.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 19, 2021, an investigator documented that the Respondent:

1. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial testing of the spill buckets by the January 1, 2021 testing due date.
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, the TCEQ was not notified of a suspected release after the discovery of vapor pressure leaks from the Line #1 submersible pump during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release.

3. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, suspected releases were not investigated after vapor pressure leaks from the Line #1 submersible pump were discovered during the TP-201.3 tests, conducted on January 29, 2020, and January 26, 2021, or after the failing annual line leak detector and piping tightness tests for Line #1, conducted on January 26, 2021, indicated a suspected release.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1, Docket No. 2021-0842-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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Conduct the triennial testing of the spill prevention equipment, in accordance with 30 TEX. ADMIN. CODE § 334.48;
 - ii. Develop and implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the 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, the Respondent's failure to comply is not a violation of this 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.
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 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. Extension requests shall be sent to the Enforcement Division at the address listed above.

7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
9. 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



10/12/2022

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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

9-19-22

Date

Atul Jain

Name (Printed or typed)

President

Title

Authorized Representative of

PADAM PRABHU INVESTMENT, INC. dba Stewart Food Mart 1

☐ If mailing address has changed, please check this box and provide the new address below:

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