

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61179
SOUTHERN STOP LLC dba BZ Mart 2
RN101777902
Docket No. 2021-1080-PST-E

Page 1 of 2

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location Where Violations Occurred:
22224 State Highway 155 South, Flint, Smith County

Type of Operation:
an underground storage tank ("UST") system and a 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: May 16, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,719

Total Paid to General Revenue: \$5,719

Total Due to General Revenue: \$0

Compliance History Classifications:
Person/CN – High
Site/RN – High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date of Investigation: June 15, 2021

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

Date of NOE: August 10, 2021

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61179
SOUTHERN STOP LLC dba BZ Mart 2
RN101777902
Docket No. 2021-1080-PST-E

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Violation Information

1. Failed to monitor the USTs for releases 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)].
2. Failed to assure that all UST record keeping requirements are met [30 TEX. ADMIN. CODE § 334.10(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent no longer operates the Facility as of January 22, 2023.

Technical Requirements:

None

Litigation Information

Date Petitions Filed: May 18, 2023; July 28, 2023

Dates of Service: unclaimed; July 31, 2023

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Benjamin Pence, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Eunice Adegele, Enforcement Division, (512) 239-5082

TCEQ Regional Contact: Michelle Baetz, Tyler Regional Office, (903) 535-5100

Respondent Contact: Mandon R. Thompson, Manager, SOUTHERN STOP LLC, 22952 Lakeside Drive,
Flint, Texas 75762

Respondent's Attorney: N/A

Facility Owner Contact: Mallik Panda, BZ Mart Inc., 2222 S Service Road, S100, Dallas, Texas
75261-75244



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Aug-2021	Screening	13-Aug-2021	EPA Due	
	PCW	20-Apr-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	SOUTHERN STOP LLC dba BZ Mart 2
Reg. Ent. Ref. No.	RN101777902
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61179	No. of Violations	2
Docket No.	2021-1080-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephanie McCurley
		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	\$4,000
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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	-\$400
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Notes Reduction for High Performer classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

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 \$1,719
Estimated Cost of Compliance \$1,590
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	58.9%	Adjustment	\$2,119
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to offset High Performer reduction (\$400) and to capture the avoid cost of compliance associated with Violation Nos. 1 and 2 (\$1,719).

Final Penalty Amount	\$5,719
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,719
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$5,719
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Screening Date 13-Aug-2021

Docket No. 2021-1080-PST-E

PCW

Respondent SOUTHERN STOP LLC dba BZ Mart 2

Policy Revision 5 (January 28, 2021)

Case ID No. 61179

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101777902

Media Petroleum Storage Tank

Enf. Coordinator Stephanie McCurley

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%

Screening Date	13-Aug-2021	Docket No.	2021-1080-PST-E	PCW
Respondent	SOUTHERN STOP LLC dba BZ Mart 2	Policy Revision 5 (January 28, 2021)		
Case ID No.	61179	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101777902			
Media	Petroleum Storage Tank			
Enf. Coordinator	Stephanie McCurley			
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 tanks ("USTs") for releases at a frequency of at least once every 30 days.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual				Percent	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		59	Number of violation days
	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="background-color: #e6f2ff; padding: 2px 5px;">daily</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">weekly</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">monthly</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">quarterly</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">semiannual</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">annual</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">single event</div> </div>			
				Violation Base Penalty
				\$3,750
One quarterly event is recommended from the June 15, 2021 investigation date to the August 13, 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		\$3,750	

Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,622	Statutory Limit Test	
		Violation Final Penalty Total	\$5,362
		This violation Final Assessed Penalty (adjusted for limits)	\$5,362

Economic Benefit Worksheet

Respondent SOUTHERN STOP LLC dba BZ Mart 2
Case ID No. 61179
Reg. Ent. Reference No. RN101777902
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

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)	\$1,500	15-Jun-2021	23-Jan-2023	1.61	\$122	\$1,500	\$1,622
Notes for AVOIDED costs							
Estimated avoided cost to implement a method of release detection for the USTs at the Facility. The Date Required is the investigation date and the Final Date is the date of ownership change.							

Approx. Cost of Compliance	\$1,500	TOTAL	\$1,622
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Screening Date 13-Aug-2021 Respondent SOUTHERN STOP LLC dba BZ Mart 2 Case ID No. 61179 Reg. Ent. Reference No. RN101777902 Media Petroleum Storage Tank Enf. Coordinator Stephanie McCurley	Docket No. 2021-1080-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 334.10(b)(2)
Violation Description	Failed to assure that all UST record keeping requirements are met. Specifically, corrosion protection records and operation and maintenance records for 30-day walkthrough inspections were not made available for review.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

OR		Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input style="width: 50px;" type="text" value="1.0%"/>	
	Matrix Notes	Less than 30% of the rule requirement was not met.				

Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events	1	59	Number of violation days
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	daily	<input type="text"/>		Violation Base Penalty <input style="width: 50px;" type="text" value="\$250"/>
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$250
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Economic Benefit (EB) for this violation

	\$97	
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Statutory Limit Test

	\$357	
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This violation Final Assessed Penalty (adjusted for limits)	\$357
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Economic Benefit Worksheet

Respondent SOUTHERN STOP LLC dba BZ Mart 2
Case ID No. 61179
Reg. Ent. Reference No. RN101777902
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
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 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)	\$90	15-Jun-2021	23-Jan-2023	1.61	\$7	\$90	\$97
Notes for AVOIDED costs							
Estimated avoided cost to maintain all UST records, including but not limited to corrosion protection records and operation and maintenance records for 30-day walkthrough inspections, and make them immediately available for inspection upon request by agency personnel (\$45 per record type). The Date Required is the investigation date and the Final Date is the date of ownership change.							
Approx. Cost of Compliance				\$90	TOTAL		\$97

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 CN605893023, RN101777902, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605893023, SOUTHERN STOP LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101777902, BZ Mart 2 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 22224 State Highway 155 South in Flint, Smith County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 56486

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 28, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2016 to October 28, 2021

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

Name: Stephanie McCurley **Phone:** (512) 239-2607

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?
BZ MART INC OWNER since 4/1/2019
SOUTHERN STOP LLC OPERATOR since 3/9/2021
- 4) Who was/were the prior owner(s)/operator(s)?
VITREOUS INC, OPERATOR, 5/10/2019 to 3/8/2021
Azra Nasreen Enterprises, Inc., OPERATOR, 6/4/2018 to 5/9/2019
Javed Corporation, OWNER, 2/12/2018 to 3/31/2019
ZAEEM LLC, OWNER OPERATOR, 1/4/2018 to 2/11/2018
KZNK LLC, OWNER OPERATOR, 5/30/2017 to 1/3/2018
AL BARI ENTERPRISES INC, OWNER OPERATOR, 12/31/2013 to 5/29/2017

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, 2018 (1512643)

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
SOUTHERN STOP LLC
DBA BZ MART 2;
RN101777902

§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1080-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. The respondent made the subject of this Order is SOUTHERN STOP LLC dba BZ Mart 2 ("Respondent").

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

FINDINGS OF FACT

1. Respondent operated, as defined in 30 TEX. ADMIN. CODE § 334.2(75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 22224 State Highway 155 South in Flint, Smith County, Texas (Facility ID No. 56486) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and they contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on and around June 15, 2021, an investigator documented that Respondent:
 - a. Failed to monitor the USTs for releases at a frequency of at least once every 30 days; and
 - b. Failed to assure that all UST record keeping requirements are met. Specifically, corrosion protection records and operation and maintenance records for 30-day walkthrough inspections were not made available for review.
3. The Executive Director recognizes that Respondent no longer operates the Facility as of January 22, 2023.
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 SOUTHERN STOP LLC dba BZ Mart 2" (the "EDPRP") in the TCEQ Chief Clerk's office on May 18, 2023.
5. The EDPRP was mailed to Respondent's last known address on May 18, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on July 28, 2023.
7. By letter dated July 28, 2023, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on July 31, 2023, as evidenced by the signature on the card.

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

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the USTs for releases 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).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to assure that all UST record keeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2).
4. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
5. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$5,719 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$5,719 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's 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.
2. 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: SOUTHERN STOP LLC dba BZ Mart 2; Docket No. 2021-1080-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
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.

5. 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.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. 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

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF BENJAMIN L. PENCE

"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 SOUTHERN STOP LLC dba BZ Mart 2' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 18, 2023.

The EDPRP was mailed to Respondent's last known address on May 18, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 28, 2023.

The EDPRP was mailed to Respondent's last known address on July 28, 2023, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on July 31, 2023, as evidenced by the signature on the card.

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

"My name is Benjamin L. Pence, 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 6th day of March, 2025

Benjamin Pence

Declarant