

Order Type:
Agreed Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
1110 United States Highway 287 North, Grapeland, Houston 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:	None
Past-Due Penalties:	\$4,551.25
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: March 24, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$9,400

Total Paid to General Revenue: \$265

Total Due to General Revenue: \$9,135

Payment Plan: 35 payments of \$261 each

Compliance History Classifications:

Person/CN - Satisfactory (CN605407535)
Site/RN - Satisfactory

Person/CN - Unclassified (CN605971720)
Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: November 22, 2021

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

Date(s) of NOE(s): January 21, 2022

Violation Information

1. Failed to assure that all UST recordkeeping requirements are met [30 TEX. ADMIN. CODE § 334.10(b)(2)].
2. Failed to notify the agency of any change or additional information regarding the USTs within 30 days of occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(1)(B) and (d)(3)].
3. Failed to monitor a temporarily out-of-service UST system for releases [TEX. WATER CODE § 26.3475(c)(1), and 30 TEX. ADMIN. CODE §§ 334.54(c)(1) and 334.50(b)(1)(A)].
4. Failed to empty and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements [30 TEX. ADMIN. CODE § 334.54(e)(5)].
5. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner [30 TEX. ADMIN. CODE § 334.54(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

None, Respondents no longer own or operate the Facility as of June 17, 2022.

Litigation Information

Date Petition(s) Filed:

September 16, 2022; November 4, 2022

Date(s) of Service:

unclaimed; November 8, 2022

Settlement Date:

February 4, 2023

Contact Information

TCEQ Attorneys: Jennifer Peltier, 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: Courtney Gooris, Enforcement Division, (817) 588-5863

TCEQ Regional Contact: Charlie Adams, Beaumont Regional Office, (409) 898-3838

Respondent Contact: Asim Raees, President, IMEX ENTERPRISES, LLC, 7100 Regency Square
Boulevard, Suite 240, Houston, Texas 77036;

Parminder Gill, Director, Grapeland Investments, LLC, 108 Second Street, Hicksville, New York 11801;

Satbir Singh, Director, Grapeland Investments, LLC, 9714 Woody Oaks Drive, Houston, Texas 77095

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jan-2022	Screening	2-Mar-2022	EPA Due	
	PCW	17-Mar-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	IMEX ENTERPRISES, LLC and Grapeland Investments, LLC
Reg. Ent. Ref. No.	RN102257110
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62027	No. of Violations	3
Docket No.	2022-0259-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	\$6,500
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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	45.0% Adjustment	Subtotals 2, 3, & 7	\$2,925
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Notes: Enhancement for one Agreed Order containing a denial of liability and for one Default Order without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$25
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,496
 Estimated Cost of Compliance \$30,085
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,400
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,400
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DEFERRAL	0.0%	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	\$9,400
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Screening Date 2-Mar-2022

Docket No. 2022-0259-PST-E

PCW

Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62027

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102257110

Media Petroleum Storage Tank

Enf. Coordinator Courtney Gooris

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Agreed Order containing a denial of liability and for one Default Order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 2-Mar-2022 Docket No. 2022-0259-PST-E

PCW

Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62027

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102257110

Media Petroleum Storage Tank

Enf. Coordinator Courtney Gooris

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 334.10(b)(2)

Violation Description Failed to assure that all underground storage tank ("UST") recordkeeping requirements are met. Specifically, Class A/B operator training records were not provided at the time of investigation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%)

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (1.0%)

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 100

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with X)

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$25

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

Notes The Respondent provided Class A/B operator training records on November 15, 2022, after the January 21, 2022 Notice of Enforcement ("NOE").

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC
Case ID No. 62027
Reg. Ent. Reference No. RN102257110
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	\$45	22-Nov-2021	15-Nov-2022	0.98	\$2	n/a	\$2
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 maintain Class A/B operator training records. The Date Required is the investigation date and the Final Date is the 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

\$45

TOTAL

\$2

Screening Date 2-Mar-2022 **Docket No.** 2022-0259-PST-E **PCW**
Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62027 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102257110
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number

Rule Cite(s)

Violation Description

Failed to notify the agency of any change or additional information regarding the USTs within 30 days of occurrence of the change or addition. Specifically, the registration was not updated to reflect the current operational status of the UST system.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10.0%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes: The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC
Case ID No. 62027
Reg. Ent. Reference No. RN102257110
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)	\$40	22-Nov-2021	20-Nov-2022	0.99	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to submit an amended UST registration to reflect the current operational status of the UST system to the TCEQ. 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
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

\$40

TOTAL

\$2

Screening Date 2-Mar-2022 **Docket No.** 2022-0259-PST-E **PCW**
Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62027 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102257110
Media Petroleum Storage Tank
Enf. Coordinator Courtney Gooris

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 334.54(c)(1) and 334.50(b)(1)(A), 334.54(e)(5), and 334.54(b)(2) and Tex. Water Code § 26.3475(c)(1)

Violation Description

Failed to monitor a temporarily out-of-service UST system for releases. Also, failed to empty and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements. Additionally, failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 100 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$3,750

One semiannual event is recommended from the November 22, 2021 investigation date to the March 2, 2022 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,492 **Violation Final Penalty Total** \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent IMEX ENTERPRISES, LLC and Grapeland Investments, LLC
Case ID No. 62027
Reg. Ent. Reference No. RN102257110
Media Petroleum Storage Tank
Violation No. 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)	\$30,000	22-Nov-2021	20-Nov-2022	0.99	\$1,492	n/a	\$1,492

Notes for DELAYED costs

Estimated delayed cost to permanently remove two USTs from service with a combined capacity of 20,000 gallons at \$1.50 per gallon. 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
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

\$30,000

TOTAL

\$1,492



Compliance History Report

Compliance History Report for CN605407535, RN102257110, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605407535, IMEX ENTERPRISES, LLC **Classification:** SATISFACTORY **Rating:** 40.00

Regulated Entity: RN102257110, AMERICAN DEPOT **Classification:** SATISFACTORY **Rating:** 40.00

Complexity Points: 2 **Repeat Violator:** NO

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

Location: 1110 United States Highway 287 North, Grapeland, Houston County, Texas 75844

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION **PETROLEUM STORAGE TANK NON REGISTERED ID**
REGISTRATION 71198 NUMBER R10102257110

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

Date Compliance History Report Prepared: May 13, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2017 to May 13, 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? YES
- 3) Who is the current owner/operator? Grapeland Investments, LLC OWNER OPERATOR since 1/10/2021
IMEX ENTERPRISES, LLC OWNER OPERATOR since 7/1/2017
- 4) Who was/were the prior owner(s)/operator(s)? 242 EXPRESS, INC., OWNER OPERATOR, 1/31/2016 to 6/30/2017

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

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

- 1 Effective Date: 10/26/2017 ADMINORDER 2016-1628-PST-E (Findings Order-Default)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
Description: Failure to provide proper release detection for the piping associated with UST systems.
- 2 Effective Date: 10/06/2020 ADMINORDER 2019-1003-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
Description: Failure to monitor the USTs for releases at a frequency of at least once per 30 days.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 28, 2021 (1700098)

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



Compliance History Report

Compliance History Report for CN605971720, RN102257110, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605971720, Grapeland Investments, LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN102257110, AMERICAN DEPOT **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

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

Citation: 1110 United States Highway 287 North, Grapeland, Houston County, Texas 75844

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 71198

PETROLEUM STORAGE TANK NON REGISTERED ID
NUMBER R10102257110

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

Date Compliance History Report Prepared: May 13, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2017 to May 13, 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? YES
- 3) Who is the current owner/operator? Grapeland Investments, LLC OWNER OPERATOR since 1/10/2021
IMEX ENTERPRISES, LLC OWNER OPERATOR since 7/1/2017
- 4) Who was/were the prior owner(s)/operator(s)? 242 EXPRESS, INC., OWNER OPERATOR, 1/31/2016 to 6/30/2017

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

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

- 1 Effective Date: 10/26/2017 ADMINORDER 2016-1628-PST-E (Findings Order-Default)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
Description: Failure to provide proper release detection for the piping associated with UST systems.

- 2 Effective Date: 10/06/2020 ADMINORDER 2019-1003-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
Description: Failure to monitor the USTs for releases at a frequency of at least once per 30 days.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 28, 2021 (1700098)

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
IMEX ENTERPRISES, LLC AND
GRAPELAND INVESTMENTS, LLC;
RN102257110**

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

AGREED ORDER

DOCKET NO. 2022-0259-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding IMEX ENTERPRISES, LLC and Grapeland Investments, LLC ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents together stipulate that:

1. IMEX ENTERPRISES, LLC owned and operated and Grapeland Investments, LLC owned, 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 1110 United States Highway 287 North in Grapeland, Houston County, Texas (Facility ID No. 71198) (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 contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and Respondents agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondents are 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of nine thousand four hundred dollars (\$9,400.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid two hundred sixty-five dollars (\$265.00) of the penalty. The remaining amount of nine thousand one hundred thirty-five dollars (\$9,135.00) shall be paid in thirty-five (35) monthly payments of two hundred sixty-one dollars (\$261.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, 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 more timely 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 Respondents have not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondents no longer own or operate the Facility as of June 17, 2022.

II. ALLEGATIONS

1. During an investigation conducted on November 22, 2021, an investigator documented that Respondents:
 - a. Failed to assure that all underground storage tank (“UST”) recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, Class A/B operator training records were not provided at the time of investigation.
 - b. Failed to notify the agency of any change or additional information regarding the USTs within 30 days of occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(B) and (d)(3). Specifically, the registration was not updated to reflect the current operational status of the UST system.
 - c. Failed to monitor a temporarily out-of-service UST system for releases, in violation of TEX. WATER CODE § 26.3475(c)(1), and 30 TEX. ADMIN. CODE §§ 334.54(c)(1) and 334.50(b)(1)(A).
 - d. Failed to empty and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements, in violation of 30 TEX. ADMIN. CODE § 334.54(e)(5).
 - e. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2).

III. DENIALS

Respondents generally deny each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondents’ 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 actions 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: IMEX ENTERPRISES, LLC and Grapeland Investments, LLC, Docket No. 2022-0259-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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents.
4. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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.
6. This Order, issued by the Commission, shall not be admissible against Respondents 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/1/23

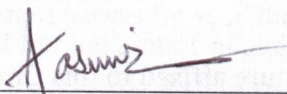
Date

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 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;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature - Asim Raees, President
IMEX ENTERPRISES, LLC
7100 Regency Square Boulevard, Suite 240
Houston, Texas 77036

2-4-2023

Date

Signature - Parminder Gill, Director
Grapeland Investments, LLC
108 Second Street
Hicksville, New York 11801

Date

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

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Signature - Asim Raees, President
IMEX ENTERPRISES, LLC
7100 Regency Square Boulevard, Suite 240
Houston, Texas 77036

Date



Signature - Parminder Gill, Director
Grapeland Investments, LLC
108 Second Street
Hicksville, New York 11801

01/25/23
Date

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