

Executive Summary – Enforcement Matter – Case No. 62028
G. S. C. J., INC. dba Johnson Shell
RN101730976
Docket No. 2022-0260-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Johnson Shell, 6390 Calder Avenue, Beaumont, Jefferson 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: February 9, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$24,321

Amount Deferred for Expedited Settlement: \$4,864

Total Paid to General Revenue: \$602

Total Due to General Revenue: \$18,855

Payment Plan: 33 payments of \$555 each and 1 payment of \$540

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: December 8, 2021

Date(s) of NOE(s): February 3, 2022

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Violation Information

1. Failed to maintain under-dispenser containment sumps in a manner that assures that its sides, bottoms, and any penetration points are liquid tight and test them at least once every three years for tightness. Specifically, the Respondent had not conducted the triennial testing of the under-dispenser containment sumps [30 TEX. ADMIN. CODE § 334.45(d)(1)(E)(v) and TEX. WATER CODE § 26.3475(c)(2)].
2. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
3. Failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a)].
4. 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 inspection due date [30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2)].
5. Failed to inspect the overfill prevention equipment at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the overfill protection equipment [30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2)].
6. Failed to conduct a walkthrough inspection for the spill prevention equipment at least once every 30 days [30 TEX. ADMIN. CODE § 334.48(h)(1)(A) and TEX. WATER CODE § 26.3475(c)(2)].
7. Failed to re-train a certified Class A and Class B operator by January 1, 2020, with a course submitted to and approved by the TCEQ after April 1, 2018. Specifically, at the time of the investigation the Facility's Class A and Class B operator was not re-trained by January 1, 2020, with an approved course [30 TEX. ADMIN. CODE § 334.605(d)].
8. Failed to report a suspected release of a regulated substance within 24 hours of discovery. Specifically, inventory control ("IC") records for the regular unleaded UST for the months of June and July 2021, the super unleaded UST for the months of May, June, and August through October 2021, the plus unleaded UST for the months of July through October 2021, and the diesel UST for the months of May through July 2021 indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].
9. Failed to investigate and confirm all suspected releases of regulated substances. Specifically, IC records for the regular unleaded tank for the months of June and July 2021, the super unleaded UST for the months of May, June, and August through October 2021, the plus unleaded UST for the months of July through October 2021,

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and the diesel UST for the months of May through July 2021 indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Conducted the triennial testing of the under-dispenser containment sumps on June 22, 2023, with passing results;
- b. Implemented a release detection method for the USTs by March 1, 2023;
- c. Conducted the annual testing of the line leak detectors for performance and operational reliability on February 16, 2023, with passing results;
- d. Conducted the triennial testing of the spill prevention equipment on January 12, 2022, with passing results;
- e. Conducted the triennial inspection of the overfill prevention equipment on January 12, 2022, with passing results;
- f. Began conducting 30-day walkthrough inspections of the spill prevention equipment on May 30, 2023;
- g. Re-trained a Class A and Class B operator with a course approved by TCEQ, and submitted the training certificate by January 4, 2022;
- h. Developed and implemented a process for timely reporting suspected releases on June 6, 2023; and
- i. Conducted an investigation of the suspected release, implemented appropriate corrective measures and received a No Further Action letter on May 13, 2023.

Technical Requirements:

N/A

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2536; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Charles G. Johnson, President, G. S. C. J., INC., 6390 Calder Avenue, Beaumont, Texas 77706

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Feb-2022	Screening	17-Feb-2022	EPA Due	
	PCW	17-Jul-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	G. S. C. J., INC. dba Johnson Shell
Reg. Ent. Ref. No.	RN101730976
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62028	No. of Violations	5
Docket No.	2022-0260-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$27,000
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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	-\$2,700
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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	-\$562
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$956
 Estimated Cost of Compliance: \$5,501
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,738
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.5%	Adjustment	\$583
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1, 2, and 4.

Final Penalty Amount	\$24,321
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,321
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,864
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$19,457
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Screening Date 17-Feb-2022

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PCW

Respondent G. S. C. J., INC. dba Johnson Shell

Policy Revision 5 (January 28, 2021)

Case ID No. 62028

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101730976

Media Petroleum Storage Tank

Enf. Coordinator Karolyn Kent

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 17-Feb-2022

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PCW

Respondent G. S. C. J., INC. dba Johnson Shell

Policy Revision 5 (January 28, 2021)

Case ID No. 62028

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101730976

Media Petroleum Storage Tank

Enf. Coordinator Karolyn Kent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.45(d)(1)(E)(v) and 334.48(g)(1)(A)(ii), (g)(1)(B), and (h)(1)(A)(i), and Tex. Water Code § 26.3475(c)(2)

Violation Description Failed to maintain under-dispenser containment sumps in a manner that assures that its sides, bottoms, and any penetration points are liquid tight and test them at least once every three years for tightness. Specifically, the Respondent had not conducted the triennial testing of the under-dispenser containment sumps. Additionally, 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 inspection due date. Also, failed to inspect the overfill prevention equipment at least once every three years. Specifically, the Respondent had not conducted the triennial inspection of the overfill protection equipment. In addition, failed to conduct a walkthrough inspection for the spill prevention equipment at least once every 30 days.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		X		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to 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 71 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 EDRP/ 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 \$475

Violation Final Penalty Total \$1,153

This violation Final Assessed Penalty (adjusted for limits) \$1,153

Economic Benefit Worksheet

Respondent G. S. C. J., INC. dba Johnson Shell
Case ID No. 62028
Reg. Ent. Reference No. RN101730976
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)	\$460	1-Jan-2021	12-Jan-2022	1.03	\$2	\$32	\$34
Other (as needed)	\$100	1-Jan-2021	12-Jan-2022	1.03	\$0	\$7	\$7
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	8-Dec-2021	30-May-2023	1.47	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	8-Dec-2021	22-Jun-2023	1.54	\$23	n/a	\$23

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the spill prevention equipment (\$100; \$25 per spill bucket, for four spill buckets), and to begin conducting triennial inspections of the overfill prevention equipment (\$460; \$115 per drop tube, for four drop tubes). The Dates Required are the testing and inspection due dates, and the Final Dates are the dates of compliance.

Estimated delayed cost to conduct triennial testing of the under-dispenser containment sumps to ensure that the sides, bottoms and any penetration points are liquid tight (\$300), and to conduct 30-day walkthrough inspections of the spill prevention equipment (\$100). The Dates Required are the investigation date, and the Final Dates are the dates 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	\$300	8-Dec-2021	17-Feb-2022	0.19	\$3	\$300	\$303
Other (as needed)	\$100	8-Dec-2021	17-Feb-2022	0.19	\$1	\$100	\$101

Notes for AVOIDED costs

Estimated avoided cost to conduct triennial testing of the under-dispenser containment sumps to ensure that the sides, bottoms and any penetration points are liquid tight (\$300), and to conduct the walkthrough inspections of the spill buckets and release detection equipment every 30 days (\$100). The Dates Required are the investigation date, and the Final Dates are the screening date.

Approx. Cost of Compliance

\$1,360

TOTAL

\$475

Screening Date 17-Feb-2022 **Docket No.** 2022-0260-PST-E **PCW**
Respondent G. S. C. J., INC. dba Johnson Shell *Policy Revision 5 (January 28, 2021)*
Case ID No. 62028 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and 334.50(b)(2)(A)(i)(III), and Tex. Water Code § 26.3475(a) and (c)(1)
Violation Description Failed to monitor the underground storage tanks ("USTs") in a manner which will detect a release at a frequency of at least once every 30 days. Also, failed to test the line leak detectors at least once per year for performance and operational reliability.

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 71 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the December 8, 2021 investigation date to the February 17, 2022 screening date.

Good Faith Efforts to Comply 10.0% Reduction \$375

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

Notes The Respondent came into compliance by conducting the annual line leak detector test with passing results on February 16, 2023, and by implementing a release detection method for the USTs on March 1, 2023, after the February 3, 2022 Notice of Enforcement ("NOE").

Violation Subtotal \$3,375

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

Estimated EB Amount \$172 **Violation Final Penalty Total** \$3,074

This violation Final Assessed Penalty (adjusted for limits) \$3,074

Economic Benefit Worksheet

Respondent G. S. C. J., INC. dba Johnson Shell
Case ID No. 62028
Reg. Ent. Reference No. RN101730976
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	\$75	8-Dec-2021	16-Feb-2023	1.19	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	8-Dec-2021	1-Mar-2023	1.23	\$92	n/a	\$92

Notes for DELAYED costs
 Estimated delayed cost to implement a release detection method for the USTs at the Facility (\$1,500), and to conduct annual testing of the line leak detectors for performance and operational reliability (\$75). The Dates Required are the investigation date, and the Final Dates are the respective dates 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	\$75	8-Dec-2021	17-Feb-2022	0.19	\$1	\$75	\$76
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 Estimated avoided cost to conduct annual testing of the line leak detectors for performance and operational reliability. The Date Required is the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance \$1,650
TOTAL \$172

Screening Date 17-Feb-2022 **Docket No.** 2022-0260-PST-E **PCW**
Respondent G. S. C. J., INC. dba Johnson Shell *Policy Revision 5 (January 28, 2021)*
Case ID No. 62028 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number

Rule Cite(s)

Violation Description Failed to re-train a certified Class A and Class B operator by January 1, 2020, with a course submitted to and approved by the TCEQ after April 1, 2018. Specifically, at the time of the investigation the Facility's Class A and Class B operator was not re-trained by January 1, 2020, with an approved course.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

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

Good Faith Efforts to Comply Reduction

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

Notes The Respondent came into compliance by re-training a Class A and Class B operator with a course approved by TCEQ, and submitting the training certificate by January 4, 2022, before the February 3, 2022 NOE.

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 G. S. C. J., INC. dba Johnson Shell
Case ID No. 62028
Reg. Ent. Reference No. RN101730976
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	\$90	8-Dec-2021	4-Jan-2022	0.07	\$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 re-train a Class A and Class B operator with a course approved by the TCEQ and submit the training certificate. The Date Required is the deadline that re-training was required, 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 \$90

TOTAL \$0

Screening Date 17-Feb-2022 **Docket No.** 2022-0260-PST-E **PCW**
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Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

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

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

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 G. S. C. J., INC. dba Johnson Shell
Case ID No. 62028
Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	1-Jul-2021	6-Jun-2023	1.93	\$10	n/a	\$10
Notes for DELAYED costs	Estimated delayed cost to develop and implement a process for reporting suspected releases timely. The Date Required is the date the earliest suspected release should have been reported, 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	\$101	1-Sep-2021	17-Feb-2022	0.46	\$2	\$101	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to report suspected releases (\$25 per report, for four reports plus interest). The Date Required is the date the last suspected release should have been reported, and Final Date is the screening date.						

Approx. Cost of Compliance	\$201	TOTAL	\$113
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Screening Date 17-Feb-2022 **Docket No.** 2022-0260-PST-E **PCW**
Respondent G. S. C. J., INC. dba Johnson Shell *Policy Revision 5 (January 28, 2021)*
Case ID No. 62028 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Enf. Coordinator Karolyn Kent

Violation Number 5

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

Violation Description
 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, IC records for the regular unleaded tank for the months of June and July 2021, the super unleaded UST for the months of May, June, and August through October 2021, the plus unleaded UST for the months of July through October 2021, and the diesel UST for the months of May through July 2021 indicated suspected releases that were not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 202 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended from the earliest suspected release investigation due date of July 30, 2021 to the February 17, 2022 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 \$11,250

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

Estimated EB Amount \$196 **Violation Final Penalty Total** \$10,374

This violation Final Assessed Penalty (adjusted for limits) \$10,374

Economic Benefit Worksheet

Respondent G. S. C. J., INC. dba Johnson Shell
Case ID No. 62028
Reg. Ent. Reference No. RN101730976
Media Petroleum Storage Tank
Violation No. 5

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)	\$2,200	30-Jul-2021	13-May-2023	1.79	\$196	n/a	\$196

Notes for DELAYED costs

Estimated delayed cost to conduct an investigation of the suspected releases and implement appropriate corrective measures. This is determined by \$400 for testing per (tank + line) for four tanks (\$1,600), and \$600 for the suspected Release Determination Report. The Date Required is the date the earliest suspected release investigation was due, 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 \$2,200

TOTAL \$196

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 CN602800989, RN101730976, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602800989, G. S. C. J., INC. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101730976, Johnson Shell **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

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

Location: 6390 Calder Avenue, Beaumont, Jefferson County, Texas 77706-6156

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

TIRES REGISTRATION 12707

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 23005

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: October 12, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 12, 2017 to October 12, 2022

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

Name: Andrea Linson

Phone: (512) 239-1482

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 March 06, 2019 (1548507)

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
G. S. C. J., INC. DBA JOHNSON SHELL
RN101730976

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

AGREED ORDER DOCKET NO. 2022-0260-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 G. S. C. J., INC. dba Johnson Shell (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 6390 Calder Avenue in Beaumont, Jefferson 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 \$24,321 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$602 of the penalty and \$4,864 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 \$18,855 of the undeferred penalty shall be paid in 33 monthly payments of \$555 each, and one payment of \$540. 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 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 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the triennial testing of the under-dispenser containment sumps on June 22, 2023, with passing results;
 - b. Implemented a release detection method for the USTs by March 1, 2023;
 - c. Conducted the annual testing of the line leak detectors for performance and operational reliability on February 16, 2023, with passing results;
 - d. Conducted the triennial testing of the spill prevention equipment on January 12, 2022, with passing results;
 - e. Conducted the triennial inspection of the overfill prevention equipment on January 12, 2022, with passing results;
 - f. Began conducting 30-day walkthrough inspections of the spill prevention equipment on May 30, 2023;
 - g. Re-trained a Class A and Class B operator with a course approved by TCEQ, and submitted the training certificate by January 4, 2022;
 - h. Developed and implemented a process for timely reporting suspected releases on June 6, 2023; and

- i. Conducted an investigation of the suspected release, implemented appropriate corrective measures and received a No Further Action letter on May 13, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on December 8, 2021, an investigator documented that the Respondent:

1. Failed to maintain under-dispenser containment sumps in a manner that assures that its sides, bottoms, and any penetration points are liquid tight and test them at least once every three years for tightness, in violation of 30 TEX. ADMIN. CODE § 334.45(d)(1)(E)(v) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial testing of the under-dispenser containment sumps.
2. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
3. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a).
4. 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 inspection due date.
5. Failed to inspect the overfill prevention equipment at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial testing of the overfill protection equipment.
6. Failed to conduct a walkthrough inspection for the spill prevention equipment at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.48(h)(1)(A) and TEX. WATER CODE § 26.3475(c)(2).
7. Failed to re-train a certified Class A and Class B operator by January 1, 2020, with a course submitted to and approved by the TCEQ after April 1, 2018, in violation of 30 TEX. ADMIN. CODE § 334.605(d). Specifically, at the time of the investigation the Facility's Class A and Class B operator was not re-trained by January 1, 2020, with an approved course.
8. Failed to report a suspected release of a regulated substance within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control ("IC") records for the regular unleaded UST for the months of June and July 2021, the super unleaded UST for the months of May, June, and August through October 2021, the plus unleaded UST for the months of July through October 2021, and the diesel UST for the months of May through July 2021 indicated suspected releases that were not reported.
9. 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, IC records for the regular unleaded tank for the months of June and July 2021, the super unleaded UST for the months of May, June, and August through October 2021, the plus unleaded UST for the months of July through October 2021, and the diesel UST for the months of May through July 2021 indicated suspected releases that were not investigated.

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: G. S. C. J., INC. dba Johnson Shell, Docket No. 2022-0260-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. 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 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.
4. 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.
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 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.
6. 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.

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

7/18/2024

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

7-11-24

Date

Glen Johnson

Name (Printed or typed)
Authorized Representative of
G. S. C. J., INC. dba Johnson Shell

Pres.

Title

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.