

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62707  
KUCHURI LLC dba BM Cigarette Mart  
RN102375052  
Docket No. 2022-0969-PST-E

Page 1 of 2

**Order Type:**  
Agreed Order

**Media:**  
PST

**Small Business:**  
Yes

**Location Where Violation Occurred:**  
1013 South Blue Mound Road, Blue Mound, Tarrant 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:** January 10, 2025

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$8,355

**Total Paid to General Revenue:** \$305

**Total Due to General Revenue:** \$8,050

Payment Plan: 35 payments of \$230

**Compliance History Classifications:**

Person/CN – Satisfactory

Site/RN – High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date:** N/A

**Date of Investigation:** May 17, 2022

**Date of NOV:** N/A

**Date of NOE:** July 14, 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 monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A)].
3. Failed to provide release detection for the pressurized piping associated with the UST system [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].
4. Failed to maintain required operator training certification documentation on-site and make them available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.606].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:**

None

**Technical Requirements:**

Respondent no longer owns the Facility as of April 27, 2023.

**Litigation Information**

**Date Petitions Filed:** May 1, 2024; June 12, 2024

**Dates of Service:** unclaimed; June 15, 2024

**Settlement Date:** November 15, 2024

**Contact Information**

**TCEQ Attorneys:** Marilyn Norrod, 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:** Tiffany Chu, Enforcement Division, (817) 588-5891

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

**Respondent Contact:** Anupama Adhikari, Managing Member, KUCHURI LLC, 1635 Precinct Line Road,  
Hurst, Texas 76054-3359; Anupama Adhikari, KUCHURI LLC, 1225 Corporate  
Drive East, Suite G, Arlington, Texas 76006

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	18-Jul-2022	<b>Screening</b>	28-Jul-2022	<b>EPA Due</b>	
	<b>PCW</b>	3-Jan-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	KUCHURI LLC dba BM Cigarette Mart				
<b>Reg. Ent. Ref. No.</b>	RN102375052				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62707	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-0969-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tiffany Chu
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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.

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for Compliance History.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.				
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,855	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,753	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	28.5%	<b>Adjustment</b>	\$1,855
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided costs of compliance associated with Violation No. 1, No. 2, and No. 3.		
	<b>Final Penalty Amount</b>	\$8,355	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,355
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$8,355
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<b>Screening Date</b>	28-Jul-2022	<b>Docket No.</b>	2022-0969-PST-E	<b>PCW</b>
<b>Respondent</b>	KUCHURI LLC dba BM Cigarette Mart			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62707			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102375052			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Tiffany Chu			

## 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)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

Screening Date 28-Jul-2022

Docket No. 2022-0969-PST-E

PCW

Respondent KUCHURI LLC dba BM Cigarette Mart

Policy Revision 5 (January 28, 2021)

Case ID No. 62707

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102375052

Media Petroleum Storage Tank

Enf. Coordinator Tiffany Chu

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, corrosion protection and financial assurance records were not available for review at the time of the investigation.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

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

72 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$321

This violation Final Assessed Penalty (adjusted for limits) \$321

# Economic Benefit Worksheet

**Respondent** KUCHURI LLC dba BM Cigarette Mart  
**Case ID No.** 62707  
**Reg. Ent. Reference No.** RN102375052  
**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	\$90	17-May-2022	26-Apr-2023	0.94	\$4	\$90	\$94
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to maintain corrosion protection and financial assurance records (\$45 per record type). The Date Required is the investigation date and the Final Date is the registered date of the change in UST system ownership.

Approx. Cost of Compliance

\$90

**TOTAL**

\$94

<b>Screening Date</b> 28-Jul-2022 <b>Respondent</b> KUCHURI LLC dba BM Cigarette Mart <b>Case ID No.</b> 62707 <b>Reg. Ent. Reference No.</b> RN102375052 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Tiffany Chu	<b>Docket No.</b> 2022-0969-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">2</span>		
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(c)(1) and (a)</span>		
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days. Also failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.</span>		
<b>Base Penalty</b>		<span style="border: 1px solid black; padding: 2px;">\$25,000</span>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Release</b>	<b>Harm</b>
	Major      Moderate      Minor	
	Actual <span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span> Potential <span style="border: 1px solid black; padding: 2px;">x</span> <span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">15.0%</span>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification      Major      Moderate      Minor	
	<span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span> <span style="border: 1px solid black; padding: 2px;"></span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>
<b>Matrix Notes</b>	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.	
<b>Adjustment</b>		<span style="border: 1px solid black; padding: 2px;">\$21,250</span>
		<span style="border: 1px solid black; padding: 2px;">\$3,750</span>
<b>Violation Events</b>		
Number of Violation Events <span style="border: 1px solid black; padding: 2px;">1</span>		<span style="border: 1px solid black; padding: 2px;">72</span> Number of violation days
	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">daily</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">weekly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">monthly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">quarterly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1; text-align: center;">x</div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">semiannual</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">annual</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">single event</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div>	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$3,750</span>
One quarterly event is recommended from the May 17, 2022 investigation date to the July 28, 2022 screening date.		
<b>Good Faith Efforts to Comply</b>		<b>Reduction</b> <span style="border: 1px solid black; padding: 2px;">\$0</span>
	<div style="display: flex; justify-content: space-between; font-size: small;"> <span>Before NOE/NOV</span> <span>NOE/NOV to EDPRP/Settlement Offer</span> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Extraordinary</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Ordinary</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">N/A</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1; text-align: center;">x</div> </div>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
<b>Violation Subtotal</b>		<span style="border: 1px solid black; padding: 2px;">\$3,750</span>
<b>Economic Benefit (EB) for this violation</b>		
<b>Estimated EB Amount</b>		<span style="border: 1px solid black; padding: 2px;">\$1,714</span>
<b>Statutory Limit Test</b>		<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px;">\$4,820</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<span style="border: 1px solid black; padding: 2px;">\$4,820</span>

## Economic Benefit Worksheet

**Respondent** KUCHURI LLC dba BM Cigarette Mart  
**Case ID No.** 62707  
**Reg. Ent. Reference No.** RN102375052  
**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)				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	\$1,500	17-May-2022	26-Apr-2023	0.94	\$71	\$1,500	\$1,571
Other (as needed)	\$118	17-May-2022	26-Apr-2026	3.95	\$25	\$118	\$143

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness tests (\$118) and cost to implement a release detection method for the USTs at the Facility (\$1,500). The Dates Required are the investigation date and the Final Dates are the registered date of the change in UST system ownership.

Approx. Cost of Compliance

\$1,618

**TOTAL**

\$1,714



<b>Screening Date</b>	28-Jul-2022	<b>Docket No.</b>	2022-0969-PST-E	<b>PCW</b>
<b>Respondent</b>	KUCHURI LLC dba BM Cigarette Mart	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
<b>Case ID No.</b>	62707			
<b>Reg. Ent. Reference No.</b>	RN102375052			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Tiffany Chu			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.606			
<b>Violation Description</b>	Failed to maintain required operator training certification documentation on-site and make them available for inspection upon request by agency personnel. Specifically, documentation for the Class A/B operator training certification was not available for review at the time of the investigation.			
		<b>Base Penalty</b>	\$25,000	

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

<b>OR</b>		Falsification	Major	Moderate	Minor	
			x			<b>Percent</b> 10.0%
	<b>Matrix Notes</b>	Greater than 70% of the rule requirement was not met.				

  

<b>Adjustment</b>	\$22,500	
		\$2,500

  

**Violation Events**

Number of Violation Events	1	Number of violation days	72														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
			<b>Violation Base Penalty</b> \$2,500														
One single event is recommended.																	

  

**Good Faith Efforts to Comply**

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$2,500

  

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$47	<b>Violation Final Penalty Total</b> \$3,213
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$3,213	

# Economic Benefit Worksheet

**Respondent** KUCHURI LLC dba BM Cigarette Mart  
**Case ID No.** 62707  
**Reg. Ent. Reference No.** RN102375052  
**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)				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	\$45	17-May-2022	26-Apr-2023	0.94	\$2	\$45	\$47
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated avoided cost to maintain operator training certification records for the UST system on-site at the Facility. The Date Required is the investigation date and the Final Date is the registered date of the change in UST system ownership.							

Approx. Cost of Compliance \$45

**TOTAL** \$47

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 CN605864362, RN102375052, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605864362, KUCHURI LLC	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 29.00
<b>Regulated Entity:</b>	RN102375052, BM Cigarette Mart	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	4	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	1013 South Blue Mound Road, Blue Mound, Tarrant County, Texas 76131-1403		
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX		
<b>ID Number(s):</b> <b>PETROLEUM STORAGE TANK REGISTRATION</b> REGISTRATION 45884			
<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b> 2021	<b>Rating Date:</b> 09/01/2021
<b>Date Compliance History Report Prepared:</b>	July 28, 2022		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	July 28, 2017 to July 28, 2022		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Hailey Johnson		<b>Phone:</b> (512) 239-1756

## 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? KUCHURI LLC OWNER OPERATOR since 3/14/2022
- 4) Who was/were the prior owner(s)/operator(s)? Big Diamond, LLC, OWNER OPERATOR, 4/29/2013 to 8/15/2021

## 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.):**

N/A

### **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  
KUCHURI LLC DBA BM CIGARETTE  
MART;  
RN102375052**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2022-0969-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 KUCHURI LLC dba BM Cigarette Mart ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2, an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 1013 South Blue Mound Road in Blue Mound, Tarrant County, Texas (Facility No. 45884) (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 Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,355 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$305 of the penalty. The remaining amount of \$8,050 shall be paid in 35 monthly payments of \$230 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 Respondent fails 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, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. The Executive Director and Respondent 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 Respondent has 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 the Respondent no longer owns the Facility as of April 27, 2023.

## **II. ALLEGATIONS**

1. During an investigation conducted on May 17, 2022, an investigator documented that Respondent:
  - a. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, corrosion protection and financial assurance records were not available for review at the time of the investigation;
  - b. 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 TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A);
  - c. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2). Specifically, Respondent had not conducted the annual line leak detector and piping tightness tests; and
  - d. Failed to maintain required operator training certification documentation on-site and make them available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.606. Specifically, documentation for the Class A/B operator training certification was not available for review at the time of the investigation.

## **III. DENIALS**

Respondent generally denies each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 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: KUCHURI LLC dba BM Cigarette Mart, Docket No. 2022-0969-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. The Executive Director does not recommend any corrective measures at this time.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon 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. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Philip Ledtitt*

Date

January 27, 2025

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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.

*Anupama Adhikari*

Signature - Anupama Adhikari, Managing Member  
KUCHURI LLC  
1635 Precinct Line Road  
Hurst, Texas 76054-3359

Date

*11/18/2024*

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