

Executive Summary – Enforcement Matter – Case No. 63828
Prachanda Enterprises, LLC dba Siwa Food Mart
RN101817740
Docket No. 2023-0450-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Neighbor Mini Mart, 2343 Farm-to-Market Road 1960, Houston, Harris 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: May 24, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,325

Amount Deferred for Expedited Settlement: \$1,665

Total Paid to General Revenue: \$185

Total Due to General Revenue: \$6,475

Payment Plan: 35 payments of \$185 each

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: February 7, 2023

Date(s) of NOE(s): February 28, 2023

Executive Summary – Enforcement Matter – Case No. 63828
Prachanda Enterprises, LLC dba Siwa Food Mart
RN101817740
Docket No. 2023-0450-PST-E

Violation Information

1. Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, the annual testing of Stage I equipment was not conducted [30 TEX. ADMIN. CODE § 115.225 and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the Respondent had not reconciled the inventory control records and did not provide a secondary method of release detection for the USTs [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].
3. 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 [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].
4. Failed to test the corrosion protection system for the UST system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system [30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d)].
5. Failed to assure that all UST recordkeeping requirements are met. Specifically, overfill prevention equipment records were not available for review at the time of investigation [30 TEX. ADMIN. CODE § 334.10(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Conducted the annual Stage I equipment testing on December 27, 2023;
- b. Conducted the triennial testing of the corrosion protection system for the UST system on December 26, 2023;
- c. Submitted overfill prevention equipment records by December 27, 2023; and
- d. Properly emptied the UST system of all regulated substances and registered the UST system as temporarily-out-of-service by January 30, 2024.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 63828
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RN101817740
Docket No. 2023-0450-PST-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Eunice Adegelu, Enforcement Division, Enforcement Team 3, MC R-12, (512) 239-5082; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Prachanda Siwakoti, Owner, Prachanda Enterprises, LLC, 2343 Farm-to-Market Road 1960, Houston, Texas 77073-2501

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Mar-2023		
	PCW	8-Nov-2023	Screening	31-Mar-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Prachanda Enterprises, LLC dba Siwa Food Mart			
Reg. Ent. Ref. No.	RN101817740			
Facility/Site Region	12-Houston	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	63828	No. of Violations	4	
Docket No.	2023-0450-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Eunice Adegelu	
		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	\$9,000
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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	-\$900
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$900
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,183	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,413	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	15.6%	Adjustment	\$1,125
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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 3.			
Final Penalty Amount				\$8,325

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,325
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,665
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$6,660
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Screening Date

31-Mar-2023

Docket No.

2023-0450-PST-E

PCW

Respondent

Prachanda Enterprises, LLC dba Siwa Food Mart

Case ID No.

63828

Reg. Ent. Reference No.

RN101817740

Media

Petroleum Storage Tank

Enf. Coordinator

Eunice Adegele

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High PerformerAdjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date	31-Mar-2023	Docket No.	2023-0450-PST-E	PCW
Respondent	Prachanda Enterprises, LLC dba Siwa Food Mart			Policy Revision 5 (January 28, 2021)
Case ID No.	63828			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101817740			
Media	Petroleum Storage Tank			
Enf. Coordinator	Eunice Adegelu			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 115.225 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, the annual testing of Stage I equipment was not conducted.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	52	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
				Violation Base Penalty
				\$1,250
	One single event is recommended.			
Good Faith Efforts to Comply				
		10.0%	Reduction	\$125
	Extraordinary Ordinary N/A	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Notes	The Respondent came into compliance by December 27, 2023, after the Notice of Enforcement ("NOE").		
		Violation Subtotal	\$1,125	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$525	Violation Final Penalty Total	\$1,156
	This violation Final Assessed Penalty (adjusted for limits)			\$1,156

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Prachanda Enterprises, LLC dba Siwa Food Mart 63828 RN101817740 Petroleum Storage Tank 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$500	7-Feb-2023	27-Dec-2023	0.88	\$22	n/a	\$22
Notes for DELAYED costs	Estimated delayed cost to conduct the annual testing of the Stage I equipment. The Date Required is the investigation date and the Final Date is the date of compliance.						

Avoided CostsANNUALIZE 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	\$500	7-Feb-2023	31-Mar-2023	0.14	\$3	\$500	\$503
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the annual testing of the Stage I equipment. The Date Required is the investigation date and the Final Date is the screening date.						

Approx. Cost of Compliance	\$1,000	TOTAL	\$525
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Screening Date	31-Mar-2023	Docket No.	2023-0450-PST-E	PCW	
Respondent	Prachanda Enterprises, LLC dba Siwa Food Mart			Policy Revision 5 (January 28, 2021)	
Case ID No.	63828	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN101817740				
Media	Petroleum Storage Tank				
Enf. Coordinator	Eunice Adegelu				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), and (d)(1)(B) and Tex. Water Code § 26.3475(a) and (c)(1)				
Violation Description	Failed to monitor the underground storage tanks ("USTs") for releases in a manner which will detect a release at a frequency of at least once every 30 days. Specifically, the Respondent had not reconciled the inventory control records and did not provide a secondary method of release detection for the USTs. 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.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
					\$3,750
Violation Events					
Number of Violation Events		1	52	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		Violation Base Penalty \$3,750	
	semiannual				
	annual				
	single event				
One quarterly event is recommended from the February 7, 2023 investigation date to the March 31, 2023 screening date.					
Good Faith Efforts to Comply		10.0%	Reduction		\$375
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent came into compliance by January 30, 2024, after the NOE.			
Violation Subtotal				\$3,375	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$131	Violation Final Penalty Total		\$3,469
This violation Final Assessed Penalty (adjusted for limits)				\$3,469	

Economic Benefit Worksheet

Respondent Prachanda Enterprises, LLC dba Siwa Food Mart
Case ID No. 63828
Reg. Ent. Reference No. RN101817740
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)	\$250	7-Feb-2023	30-Jan-2024	0.98	\$12	n/a	\$12
Notes for DELAYED costs	Actual delayed cost to empty the USTs at the Station. 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	\$118	7-Feb-2023	31-Mar-2023	0.14	\$1	\$118	\$119
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the annual line leak detector and piping tightness tests. The Date Required is the investigation date and the Final Date is the screening date.						

Approx. Cost of Compliance	\$368	TOTAL	\$131
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Screening Date		31-Mar-2023		Docket No.		2023-0450-PST-E		PCW					
Respondent		Prachanda Enterprises, LLC dba Siwa Food Mart						Policy Revision 5 (January 28, 2021)					
Case ID No.		63828						PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN101817740											
Media		Petroleum Storage Tank											
Enf. Coordinator		Eunice Adegelu											
Violation Number		3											
Rule Cite(s)		30 Tex. Admin. Code § 334.49(c)(4)(C) and Tex. Water Code § 26.3475(d)											
Violation Description		Failed to test the corrosion protection system for the UST system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system.											
Base Penalty								\$25,000					
>> Environmental, Property and Human Health Matrix													
OR		Release		Major		Moderate		Minor					
		Actual											
		Potential		x									
								Percent		15.0%			
>> Programmatic Matrix													
		Falsification		Major		Moderate		Minor					
										Percent		0.0%	
Matrix Notes		Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.											
Adjustment								\$21,250					
										\$3,750			
Violation Events													
		Number of Violation Events		1		52		Number of violation days					
		daily											
		weekly											
		monthly											
		quarterly											
		semiannual											
		annual											
		single event		x									
		One single event is recommended.											
Good Faith Efforts to Comply				10.0%				Reduction		\$375			
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer									
		Extraordinary											
		Ordinary				x							
		N/A											
		Notes		The Respondent came into compliance by December 26, 2023, after the NOE.									
Violation Subtotal								\$3,375					
Economic Benefit (EB) for this violation										Statutory Limit Test			
		Estimated EB Amount		\$525		Violation Final Penalty Total		\$3,469					
This violation Final Assessed Penalty (adjusted for limits)								\$3,469					

Economic Benefit Worksheet

Respondent Prachanda Enterprises, LLC dba Siwa Food Mart
Case ID No. 63828
Reg. Ent. Reference No. RN101817740
Media Violation No. Petroleum Storage Tank
3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	7-Feb-2023	26-Dec-2023	0.88	\$22	n/a	\$22
Notes for DELAYED costs	Estimated delayed cost to conduct the triennial testing of the corrosion protection for the UST system at the Station. 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	\$500	7-Feb-2023	31-Mar-2023	0.14	\$3	\$500	\$503
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the triennial testing of the corrosion protection for the UST system at the Station. The Date Required is the investigation date and the Final Date is the screening date.						

Approx. Cost of Compliance	\$1,000	TOTAL	\$525
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Screening Date

31-Mar-2023

Docket No.

2023-0450-PST-E

PCW

Respondent

Prachanda Enterprises, LLC dba Siwa Food Mart

Case ID No.

63828

Reg. Ent. Reference No.

RN101817740

Media

Petroleum Storage Tank

Enf. Coordinator

Eunice Adegelu

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 334.10(b)(2)

Violation Description

Failed to assure that all UST recordkeeping requirements are met. Specifically, overfill prevention equipment records were not available for review at the time of investigation.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

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

52

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

10.0%

Reduction

\$25

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

x

N/A

Notes

The Respondent came into compliance by December 27, 2023, after the NOE.

Violation Subtotal

\$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$2

Violation Final Penalty Total

\$231

This violation Final Assessed Penalty (adjusted for limits)

\$231

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Prachanda Enterprises, LLC dba Siwa Food Mart 63828 RN101817740 Petroleum Storage Tank 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	\$45	7-Feb-2023	27-Dec-2023	0.88	\$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 overfill prevention equipment records and make them immediately available for inspection upon request by TCEQ personnel. 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
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Compliance History Report

Compliance History Report for CN605864578, RN101817740, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605864578, Prachanda Enterprises, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101817740, NEIGHBOR MINI MART	Classification: HIGH	Rating: 0.00
Complexity Points:	3	Repeat Violator:	NO
CH Group:	01 - Gas Stations with convenience Stores and other Gas Stations		
Location:	2343 FARM-TO-MARKET 1960 ROAD, HOUSTON, HARRIS COUNTY, TEXAS 77073-2501		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 5428		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	February 12, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	February 12, 2019 to February 12, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Eunice Adegelu	Phone:	(512) 239-5082

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? Prachanda Enterprises, LLC OWNER OPERATOR since 2/23/2021
- 4) Who was/were the prior owner(s)/operator(s)?
Areesa Ventures LLC, OWNER OPERATOR, 5/7/2019 to 2/22/2021
Shaku Brothers Inc., OWNER OPERATOR, 6/12/2001 to 5/6/2019

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 February 28, 2020 (1631279)

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

PRACHANDA ENTERPRISES, LLC DBA
SIWA FOOD MART

RN101817740

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§

§

§

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0450-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 Prachanda Enterprises, LLC dba Siwa Food Mart (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and 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 2343 Farm-to-Market 1960 Road in Houston, Harris County, Texas (the "Station"). The UST system at the Station 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. The Station consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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. HEALTH & SAFETY CODE ch. 382, 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 \$8,325 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$185 of the penalty and \$1,665 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 \$6,475 of the undeferred penalty shall be paid in 35 monthly payments of \$185 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 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 Station:
 - a. Conducted the annual Stage I equipment testing on December 27, 2023;
 - b. Conducted the triennial testing of the corrosion protection system for the UST system on December 26, 2023;
 - c. Submitted overfill prevention equipment records by December 27, 2023; and
 - d. The Station properly emptied the UST system of all regulated substances and registered the UST system as temporarily-out-of-service by January 30, 2024.

II. ALLEGATIONS

During an investigation at the Station conducted on February 7, 2023, an investigator documented that the Respondent:

1. Failed to comply with annual Stage I vapor recovery testing requirements, in violation of 30 TEX. ADMIN. CODE § 115.225 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the annual testing of Stage I equipment was not conducted.

2. Failed to monitor the USTs for releases 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 (d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the Respondent had not reconciled the inventory control records and did not provide a secondary method of release detection for the USTs.
3. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.
4. Failed to test the corrosion protection system for the UST system for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d). Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system.
5. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, overfill prevention equipment records were not available for review at the time of investigation.

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: Prachanda Enterprises, LLC dba Siwa Food Mart, Docket No. 2023-0450-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 Station operations referenced in this Order.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

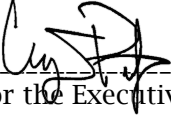
Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. 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.
6. 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.
7. 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



For the Executive Director

Date

7/1/2024


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

06/29/2024

Date

Prachanda siwakoti

Name (Printed or typed)

Authorized Representative of

Prachanda Enterprises, LLC dba Siwa Food Mart

Owner/manager

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.