

Executive Summary – Enforcement Matter – Case No. 63946
C & C COUNTRY STORE, INC.
RN102252111
Docket No. 2023-0563-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

C & C Country Store, 7110 East State Highway 154, Winnsboro, Wood 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: July 5, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$27,076

Amount Deferred for Expedited Settlement: \$5,415

Total Paid to General Revenue: \$626

Total Due to General Revenue: \$21,035

Payment Plan: 35 payments of \$601 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 13, 2023

Date(s) of NOE(s): April 14, 2023

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C & C COUNTRY STORE, INC.
RN102252111
Docket No. 2023-0563-PST-E

Violation Information

1. 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 [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the monthly over/short exceeded the allowable for the inventory control records for UST No. 1, UST No. 2, and UST No. 3 from January 1, 2022 through December 31, 2022, indicating suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].
3. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, the monthly over/short exceeded the allowable for the inventory control records for UST No. 1, UST No. 2, and UST No. 3 from January 1, 2022 through December 31, 2022, indicating suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement a release detection method for the USTs;
 - ii. Develop and implement a process for timely reporting suspected releases; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 63946
C & C COUNTRY STORE, INC.
RN102252111
Docket No. 2023-0563-PST-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Lauren Little, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5888; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Fred D. Risinger, Owner, C & C COUNTRY STORE, INC., 7196 East State Highway 154, Winnsboro, Texas 75494-7106

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-Apr-2023			
	PCW	28-Apr-2023	Screening	28-Apr-2023	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	C & C COUNTRY STORE, INC.				
Reg. Ent. Ref. No.	RN102252111				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	63946	No. of Violations	3		
Docket No.	2023-0563-PST-E	Order Type	1660		
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Lauren Little		
		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	\$30,000
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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	-\$3,000
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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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$324	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,475	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3%	Adjustment	\$76
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 2.			
Final Penalty Amount				\$27,076

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$27,076
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,415
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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	\$21,661
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Screening Date

28-Apr-2023

Docket No.

2023-0563-PST-E

PCW

Respondent

C & C COUNTRY STORE, INC.

Case ID No.

63946

Reg. Ent. Reference No.

RN102252111

Media

Petroleum Storage Tank

Enf. Coordinator

Lauren Little

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)

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		28-Apr-2023		Docket No.		2023-0563-PST-E		PCW	
Respondent		C & C COUNTRY STORE, INC.						Policy Revision 5 (January 28, 2021)	
Case ID No.		63946						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN102252111							
Media		Petroleum Storage Tank							
Enf. Coordinator		Lauren Little							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)							
Violation Description		Failed to monitor the underground storage tanks ("USTs") for releases in a manner which will detect a release at a frequency of at least once every 30 days.							
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		74		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 February 13, 2023 investigation date to the April 28, 2023 screening date.									
Good Faith Efforts to Comply				0.0%		Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
Extraordinary									
Ordinary									
N/A		X							
Notes		The Respondent does not meet the good faith criteria for this violation.							
Violation Subtotal								\$3,750	
Economic Benefit (EB) for this violation					Statutory Limit Test				
Estimated EB Amount		\$75		Violation Final Penalty Total		\$3,385			
This violation Final Assessed Penalty (adjusted for limits)								\$3,385	

Economic Benefit Worksheet

Respondent C & C COUNTRY STORE, INC.
Case ID No. 63946
Reg. Ent. Reference No. RN102252111
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)	\$1,500	13-Feb-2023	11-Feb-2024	0.99	\$75	n/a	\$75
Notes for DELAYED costs	Estimated delayed cost to implement a release detection method for the USTs at the Facility. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$1,500	TOTAL	\$75
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Screening Date 28-Apr-2023		Docket No. 2023-0563-PST-E		PCW	
Respondent C & C COUNTRY STORE, INC.		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63946		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102252111					
Media Petroleum Storage Tank					
Enf. Coordinator Lauren Little					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 334.72"/>			
Violation Description		<input 1,="" 2,="" 2022="" 2022,="" 3="" 31,="" and="" december="" for="" from="" ic")="" indicating="" january="" no.="" not="" records="" releases="" reported."="" suspected="" that="" through="" type="text" ust="" value="Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the monthly over/short exceeded the allowable for the inventory control (" were=""/>			
Base Penalty				<input type="text" value="\$25,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
Adjustment				<input type="text" value="\$22,500"/>	
				<input type="text" value="\$2,500"/>	
Violation Events					
Number of Violation Events		<input type="text" value="3"/>	<input type="text" value="421"/>		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="text" value="X"/>			
<input type="text" value="Three single events are recommended (one single event for each UST with a suspected release)."/>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>		Reduction <input type="text" value="\$0"/>	
	Extraordinary	<input type="text"/>	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Ordinary	<input type="text"/>			
	N/A	<input checked="" type="text" value="X"/>			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal				<input type="text" value="\$7,500"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$81"/>		Violation Final Penalty Total <input type="text" value="\$6,769"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$6,769"/>	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. C & C COUNTRY STORE, INC. 63946 RN102252111 Petroleum Storage Tank 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)	\$100	13-Feb-2023	11-Feb-2024	0.99	\$5	n/a	\$5
Notes for DELAYED costs	Estimated delayed cost to develop and implement a process for timely reporting of suspected releases. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$75	1-Jan-2023	28-Apr-2023	0.32	\$1	\$75	\$76
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to report a suspected release (\$25 for 3 reports plus interest accrued). The Date Required is the date the last suspected release should have been reported, and the Final Date is the screening date.						

Approx. Cost of Compliance	\$175	TOTAL	\$81
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Screening Date 28-Apr-2023		Docket No. 2023-0563-PST-E		PCW	
Respondent C & C COUNTRY STORE, INC.		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63946		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102252111					
Media Petroleum Storage Tank					
Enf. Coordinator Lauren Little					
Violation Number		<input type="text" value="3"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 334.74"/>			
Violation Description		<div>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, the monthly over/short exceeded the allowable for the IC records for UST No. 1, UST No. 2, and UST No. 3 from January 1, 2022 through December 31, 2022, indicating suspected releases that were not investigated.</div>			
				Base Penalty	<input type="text" value="\$25,000"/>
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<div>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.</div>				
				Adjustment	<input type="text" value="\$21,250"/>
					<input type="text" value="\$3,750"/>
Violation Events					
Number of Violation Events		<input type="text" value="5"/>	<input type="text" value="392"/>	Number of violation days	
	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text" value="X"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<div>Five quarterly events are recommended from the earliest suspected release investigation due date of April 1, 2022 to the April 28, 2023 screening date.</div>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
	Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="X"/>			
	Notes	<div>The Respondent does not meet the good faith criteria for this violation.</div>			
				Violation Subtotal	<input type="text" value="\$18,750"/>
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		<input type="text" value="\$168"/>	Violation Final Penalty Total		<input type="text" value="\$16,923"/>
				This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$16,923"/>

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. C & C COUNTRY STORE, INC. 63946 RN102252111 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)	\$1,800	1-Apr-2022	11-Feb-2024	1.87	\$168	n/a	\$168
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 UST and line for three USTs (\$1,200), 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 estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$1,800	TOTAL	\$168
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Compliance History Report

Compliance History Report for CN605053735, RN102252111, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605053735, C & C COUNTRY STORE, INC.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102252111, C & C Country Store	Classification: HIGH	Rating: 0.00
Complexity Points:	3	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	7110 East State Highway 154, Winnsboro, Wood County, Texas 75494-7106		
TCEQ Region:	REGION 05 - TYLER		
ID Number(s):			
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 3010			
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	April 23, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 23, 2019 to April 23, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Lauren Little	Phone:	(817) 588-5888

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 November 06, 2020 (1686082)

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
C & C COUNTRY STORE, INC.
RN102252111

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

AGREED ORDER DOCKET NO. 2023-0563-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 C & C COUNTRY STORE, INC. (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 7110 East State Highway 154 in Winnsboro, Wood 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 \$27,076 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$626 of the penalty and \$5,415 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 \$21,035 of the undeferred penalty shall be paid in 35 monthly payments of \$601 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.

II. ALLEGATIONS

During an investigation at the Facility conducted on February 13, 2023, an investigator documented that the Respondent:

1. 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 TEX. WATER CODE § 26.3475(c)(1).
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, the monthly over/short exceeded the allowable for the inventory control ("IC") records for UST No. 1, UST No. 2, and UST No. 3 from January 1, 2022 through December 31, 2022, indicating suspected releases that were not reported.
3. 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, the monthly over/short exceeded the allowable for the IC records for UST No. 1, UST No. 2, and UST No. 3 from January 1, 2022 through December 31, 2022, indicating 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: C & C COUNTRY STORE, INC., Docket No. 2023-0563-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement a release detection method for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - ii. Develop and implement a process for timely reporting suspected releases, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - iii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 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.
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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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.

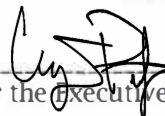
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

6/28/2024

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

5/28/24
Date

Freddie Risinger
Name (Printed or typed)
Authorized Representative of
C & C COUNTRY STORE, INC.

Owner
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.