

Executive Summary – Enforcement Matter – Case No. 63948
BHULLAR ENTERPRISES LLC dba A Motion Food Mart
RN101548881
Docket No. 2023-0565-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

A Motion Food Mart, 829 South Cornith Street Road, Dallas, Dallas 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: January 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,703

Amount Deferred for Expedited Settlement: \$2,140

Total Paid to General Revenue: \$8,563

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

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: March 7, 2023

Date(s) of NOE(s): April 21, 2023

Violation Information

1. Failed to equip the UST system with overfill prevention equipment [30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2)].

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2. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
3. Failed to provide corrosion protection for the UST system [30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d)].
4. Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, annual testing of the Stage I equipment was not conducted [30 TEX. ADMIN. CODE § 115.225 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Install overfill prevention equipment for the USTs at the Station;
 - ii. Implement a release detection method for the USTs at the Station;
 - iii. Install and test the corrosion protection system for the USTs at the Station; and
 - iv. Conduct the annual testing of the Stage I equipment.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Tiffany Chu, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5891; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Hardeep Singh, Owner, A Motion Food Mart, 829 South Corinth Street Road, Dallas, Texas 75203

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Apr-2023		
	PCW	1-May-2023	Screening	25-Apr-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	BHULLAR ENTERPRISES LLC dba A Motion Food Mart			
Reg. Ent. Ref. No.	RN101548881			
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	63948	No. of Violations	4	
Docket No.	2023-0565-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Tiffany Chu	
		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	\$10,000
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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	2.0%	Adjustment	Subtotals 2, 3, & 7	\$200
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Notes	Enhancement for one NOV with dissimilar violations.			
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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	\$820	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,800	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.9%	Adjustment	\$503
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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. 4.			
Final Penalty Amount				\$10,703

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,703
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,140
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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	\$8,563
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Screening Date

25-Apr-2023

Docket No.

2023-0565-PST-E

PCW

Respondent

BHULLAR ENTERPRISES LLC dba A Motion Food Mart

Case ID No.

63948

Reg. Ent. Reference No.

RN101548881

Media

Petroleum Storage Tank

Enf. Coordinator

Tiffany Chu

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	1	2%
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)2%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%2%

Screening Date25-Apr-2023

Docket No.2023-0565-PST-E

PCW

RespondentBHULLAR ENTERPRISES LLC dba A Motion Food Mart

Policy Revision 5 (January 28, 2021)

Case ID No.63948

PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101548881

MediaPetroleum Storage Tank

Enf. CoordinatorTiffany Chu

Violation Number1

Rule Cite(s)30 Tex. Admin. Code § 334.51(b)(2)(C) and Tex. Water Code § 26.3475(c)(2)

Violation DescriptionFailed to equip the underground storage tank ("UST") system with overfill prevention equipment.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

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 which 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

49

Number of violation days

daily

weekly

monthly

quarterly

x

semiannual

annual

single event

Violation Base Penalty

\$1,250

One quarterly event is recommended from the March 7, 2023 investigation date to the April 25, 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

\$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$20

Violation Final Penalty Total

\$1,338

This violation Final Assessed Penalty (adjusted for limits)

\$1,338

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media Violation No.

BHULLAR ENTERPRISES LLC dba A Motion Food Mart

63948

RN101548881

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	\$300	7-Mar-2023	18-Feb-2024	0.95	\$1	\$19	\$20
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	Estimated delayed cost to install overfill prevention equipment (\$100 per UST) for three USTs. 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	\$300	TOTAL	\$20
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Screening Date 25-Apr-2023		Docket No. 2023-0565-PST-E		PCW	
Respondent BHULLAR ENTERPRISES LLC dba A Motion Food Mart		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63948		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101548881					
Media Petroleum Storage Tank					
Enf. Coordinator Tiffany Chu					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)"/>			
Violation Description		<input type="text" value="Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days."/>			
				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	<input type="text" value="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	<input type="text" value="\$21,250"/>
					<input type="text" value="\$3,750"/>
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="49"/>	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"/>			
<input type="text" value="One quarterly event is recommended from the March 7, 2023 investigation date to the April 25, 2023 screening date."/>					
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	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
				Violation Subtotal	<input type="text" value="\$3,750"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$72"/>	Violation Final Penalty Total		<input type="text" value="\$4,014"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$4,014"/>	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. BHULLAR ENTERPRISES LLC dba A Motion Food Mart 63948 RN101548881 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)	\$1,500	7-Mar-2023	18-Feb-2024	0.95	\$72	n/a	\$72
Notes for DELAYED costs	Estimated delayed cost to implement a method of release detection for the USTs at the Station. 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	\$72
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Screening Date 25-Apr-2023		Docket No. 2023-0565-PST-E		PCW	
Respondent BHULLAR ENTERPRISES LLC dba A Motion Food Mart		Policy Revision 5 (January 28, 2021)			
Case ID No. 63948		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101548881					
Media Petroleum Storage Tank					
Enf. Coordinator Tiffany Chu					
Violation Number		3			
Rule Cite(s)		30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)			
Violation Description		Failed to provide corrosion protection for the UST system.			
		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	49	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 March 7, 2023 investigation date to the April 25, 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		\$201	Violation Final Penalty Total		\$4,014
This violation Final Assessed Penalty (adjusted for limits)				\$4,014	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. BHULLAR ENTERPRISES LLC dba A Motion Food Mart 63948 RN101548881 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	\$3,000	7-Mar-2023	18-Feb-2024	0.95	\$10	\$191	\$201
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	Estimated delayed cost to install and test the corrosion protection system for the UST system at the Station. The Date Required is the investigation date an 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	\$3,000	TOTAL	\$201
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Screening Date 25-Apr-2023		Docket No. 2023-0565-PST-E		PCW	
Respondent BHULLAR ENTERPRISES LLC dba A Motion Food Mart		Policy Revision 5 (January 28, 2021)			
Case ID No. 63948		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101548881					
Media Petroleum Storage Tank					
Enf. Coordinator Tiffany Chu					
Violation Number		4			
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, annual testing of the Stage I equipment was not conducted.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential		x		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	49		Number of violation days
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
Violation Base Penalty \$1,250					
One single event is recommended.					
Good Faith Efforts to Comply		0.0%		Reduction \$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					\$1,250
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$527	Violation Final Penalty Total		\$1,338
This violation Final Assessed Penalty (adjusted for limits)					\$1,338

Economic Benefit Worksheet

Respondent BHULLAR ENTERPRISES LLC dba A Motion Food Mart
Case ID No. 63948
Reg. Ent. Reference No. RN101548881
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	7-Mar-2023	18-Feb-2024	0.95	\$24	n/a	\$24
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 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	\$500	7-Mar-2023	25-Apr-2023	0.13	\$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	\$527
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Compliance History Report

Compliance History Report for CN605853571, RN101548881, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605853571, BHULLAR ENTERPRISES LLC	Classification: SATISFACTORY	Rating: 0.50
Regulated Entity:	RN101548881, A Motion Food Mart	Classification: SATISFACTORY	Rating: 0.50
Complexity Points:	7	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	829 SOUTH CORINTH STREET ROAD, DALLAS, DALLAS COUNTY, TEXAS 75203-3608		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
PETROLEUM STORAGE TANK REGISTRATION			
REGISTRATION 17583			
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	October 19, 2023		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	October 19, 2018 to October 19, 2023		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Tiffany Chu	Phone:	(817) 588-5891

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? BHULLAR ENTERPRISES LLC OWNER OPERATOR since 10/2/2020
- 4) Who was/were the prior owner(s)/operator(s)? Al-Rousan & Wared Corp., OWNER OPERATOR, 5/1/1996 to 10/1/2020

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 March 13, 2020 (1623682)

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.

1	Date:	04/20/2023	(1888909)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 334, SubChapter N 334.602(a)		
		30 TAC Chapter 334, SubChapter N 334.603(b)		

Description: 30 TAC Chapter 334, SubChapter N 334.606
Failure to comply with 30 TAC 334.602(a), 334.603(b), and 334.606 regarding training and certification of individuals for the operation of an underground storage tank system.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 10/19/2018 and 10/19/2023

1* Date: 04/20/2023 (1888909)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 334, SubChapter N 334.602(a)
30 TAC Chapter 334, SubChapter N 334.603(b)
30 TAC Chapter 334, SubChapter N 334.606
Description: Failure to comply with 30 TAC 334.602(a), 334.603(b), and 334.606 regarding
training and certification of individuals for the operation of an underground
storage tank system.

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period October 19, 2018 and October 19, 2023

Item 1* March 13, 2020** (1623682)
Item 2 April 20, 2023** (1888909)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BHULLAR ENTERPRISES LLC DBA A
MOTION FOOD MART
RN101548881

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

AGREED ORDER DOCKET NO. 2023-0565-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 BHULLAR ENTERPRISES LLC dba A Motion 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 829 South Corinth Street Road in Dallas, Dallas 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 \$10,703 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,563 of the penalty and \$2,140 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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 Station conducted on March 7, 2023, an investigator documented that the Respondent:

1. Failed to equip the UST system with overfill prevention equipment, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2).
2. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
3. Failed to provide corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d).
4. 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, annual testing of the Stage I equipment was not conducted.

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: BHULLAR ENTERPRISES LLC dba A Motion Food Mart, Docket No. 2023-0565-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. Install overfill prevention equipment for the USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.51;
 - ii. Implement a release detection method for the USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - iii. Install and test the corrosion protection system for the USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - iv. Conduct the annual testing of the Stage I equipment, in accordance with 30 TEX. ADMIN. CODE § 115.225.
 - 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

City of Dallas Local Air Program
1500 Marilla Street 7AN
Dallas, Texas 75201

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 Station operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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.
7. 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.
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

Date

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, 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

Date

Name (Printed or typed)

Title

Authorized Representative of

BHULLAR ENTERPRISES LLC dba A Motion Food Mart

☐ 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.