

Executive Summary – Enforcement Matter – Case No. 63995
Thakurs Retailer Group LLC dba Thakurs C Store
RN106546773
Docket No. 2023-0618-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Thakurs C Store, 400 State Highway 78, Lavon, Collin 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: \$20,726

Amount Deferred for Expedited Settlement: \$4,145

Total Paid to General Revenue: \$481

Total Due to General Revenue: \$16,100

Payment Plan: 35 payments of \$460 each

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

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 15, 2023

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

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Violation Information

1. Failed to monitor the UST installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on December 4, 2012, but the Respondent was not using interstitial monitoring release detection method [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the piping associated with the UST system was installed on December 4, 2012, and the Respondent was not using interstitial monitoring as the primary release detection method for the pressurized piping associated with the UST system [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a)].
3. Failed to conduct effective inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].
4. Failed to equip tank manways and dispenser sumps of a secondarily contained UST system with liquid sensing probes which will alert the system owner or operator if more than two inches of liquid collects in any sump or manway. Specifically, the liquid sensors in the regular submersible turbine pump sump were not within two inches of the lowest point [30 TEX. ADMIN. CODE § 334.45(d)(1)(E)(vi)].
5. Failed to conduct the walkthrough inspection of the spill prevention equipment every 30 days [30 TEX. ADMIN. CODE § 334.48(h)(1)(A)(i) and TEX. WATER CODE § 26.3475(c)(2)].
6. Failed to ensure no avoidable gasoline leaks, as detected by sight, sound, or smell, exist anywhere in the liquid transfer or vapor balance system. Specifically, the Stage I vapor adaptor was not sealing properly and vapors were observed [30 TEX. ADMIN. CODE § 115.222(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Repositioned and tested the liquid sensing probes, so that they are able to detect a minimum of two inches of liquid in the sumps on May 4, 2023.
- b. Began conducting walkthrough inspections of the spill prevention equipment every 30 days on May 4, 2023.

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c. Replaced the vapor adaptor on April 13, 2023.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin conducting proper inventory control procedures; and
 - ii. Implement interstitial monitoring release detection method for the UST and the piping associated with the UST system at the Station.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Celicia Garza, Enforcement Division, Enforcement Team 3, MC R-13, (210) 657-8422; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Karan Singh, Managing Partner, Thakurs C Store, 1218 Iron Horse Street, Wylie, Texas 75098

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	Screening	19-Apr-2023	EPA Due	
	PCW	10-May-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Thakurs Retailer Group LLC dba Thakurs C Store				
Reg. Ent. Ref. No.	RN106546773				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	63995	No. of Violations	4
Docket No.	2023-0618-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Celicia Garza
		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	\$26,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$2,625
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Notes Reduction for High Performer classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,000
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$242
Estimated Cost of Compliance \$3,100
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5%	Adjustment	\$101
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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. 3.

Final Penalty Amount	\$20,726
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,726
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,145
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,581
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Screening Date	19-Apr-2023	Docket No.	2023-0618-PST-E	PCW
Respondent	Thakurs Retailer Group LLC dba Thakurs C Store			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63995			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106546773			
Media	Petroleum Storage Tank			
Enf. Coordinator	Celicia Garza			

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	19-Apr-2023	Docket No.	2023-0618-PST-E	PCW	
Respondent	Thakurs Retailer Group LLC dba Thakurs C Store	Policy Revision 5 (January 28, 2021)			
Case ID No.	63995	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN106546773				
Media	Petroleum Storage Tank				
Enf. Coordinator	Celicia Garza				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(B) and (b)(2)(A)(iii) and § 334.48(c) and Tex. Water Code § 26.3475(c)(1) and (a)				
Violation Description	<p>Failed to monitor the underground storage tank ("UST") installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on December 4, 2012, but the Respondent was not using interstitial monitoring release detection method. Also, failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the piping associated with the UST system was installed on December 4, 2012, and the Respondent was not using interstitial monitoring as the primary release detection method for the pressurized piping associated with the UST system. Also, failed to conduct effective inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.</p>				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 30.0%
>> 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	\$17,500		
		\$7,500			
Violation Events					
Number of Violation Events		1	63	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
		Violation Base Penalty \$7,500			
One quarterly event is recommended from the February 15, 2023 investigation date to the April 19, 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	\$7,500		
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$132	Violation Final Penalty Total		\$6,783
		This violation Final Assessed Penalty (adjusted for limits) \$6,783			

Economic Benefit Worksheet

Respondent Thakurs Retailer Group LLC dba Thakurs C Store
Case ID No. 63995
Reg. Ent. Reference No. RN106546773
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	\$500	15-Feb-2023	11-Jun-2024	1.32	\$33	n/a	\$33
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	15-Feb-2023	11-Jun-2024	1.32	\$99	n/a	\$99

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection method for the UST and the piping associated with the UST system at the Station. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated delayed cost to conduct proper inventory control procedures for all 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

\$2,000

TOTAL

\$132

Screening Date 19-Apr-2023 Respondent Thakurs Retailer Group LLC dba Thakurs C Store Case ID No. 63995 Reg. Ent. Reference No. RN106546773 Media Petroleum Storage Tank Enf. Coordinator Celicia Garza	Docket No. 2023-0618-PST-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
Violation Number 2		
Rule Cite(s) 30 Tex. Admin. Code § 334.45(d)(1)(E)(vi)		
Violation Description Failed to equip tank manways and dispenser sumps of a secondarily contained UST system with liquid sensing probes which will alert the system owner or operator if more than two inches of liquid collects in any sump or manway. Specifically, the liquid sensors in the regular submersible turbine pump sump were not within two inches of the lowest point. 		
Base Penalty		\$25,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
	Major Moderate Minor	
	Actual Potential x 	Percent 30.0%
>> 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		\$17,500
		\$7,500
Violation Events		
Number of Violation Events 1		63 Number of violation days
	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">daily</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">weekly</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">monthly</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">x</div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">annual</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">single event</div> <div style="border: 1px solid black; padding: 2px;"></div> </div>	Violation Base Penalty \$7,500
One quarterly event is recommended from the February 15, 2023 investigation date to the April 19, 2023 screening date.		
Good Faith Efforts to Comply		
10.0%		Reduction \$750
	<div style="display: flex; justify-content: space-between; font-size: small;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Extraordinary</div> <div style="border: 1px solid black; padding: 2px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Ordinary</div> <div style="border: 1px solid black; padding: 2px;">x</div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">N/A</div> <div style="border: 1px solid black; padding: 2px;"></div> </div>	
Notes	The Respondent repositioned the liquid sensing probes, so they are able to detect a minimum of two inches of liquid in the sumps, on May 4, 2023 after the April 14, 2023 Notice of Enforcement.	
Violation Subtotal		\$6,750
Economic Benefit (EB) for this violation		
Estimated EB Amount		\$5
Statutory Limit Test		
Violation Final Penalty Total		\$6,029
This violation Final Assessed Penalty (adjusted for limits)		\$6,029

Economic Benefit Worksheet

Respondent Thakurs Retailer Group LLC dba Thakurs C Store
Case ID No. 63995
Reg. Ent. Reference No. RN106546773
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)	\$500	15-Feb-2023	4-May-2023	0.21	\$5	n/a	\$5

Notes for DELAYED costs

Estimated delayed cost to reposition and test the liquid sensing probes so they are able to detect a minimum of two inches of liquid in the sumps. 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

\$500

TOTAL

\$5

Screening Date 19-Apr-2023 Respondent Thakurs Retailer Group LLC dba Thakurs C Store Case ID No. 63995 Reg. Ent. Reference No. RN106546773 Media Petroleum Storage Tank Enf. Coordinator Celicia Garza	Docket No. 2023-0618-PST-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code § 334.48(h)(1)(A)(i) and Tex. Water Code § 26.3475(c)(2)
Violation Description	Failed to conduct the walkthrough inspection of the spill prevention equipment every 30 days.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	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 significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	63	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$3,750
	semiannual				
	annual				
	single event				

One quarterly event is recommended from the February 15, 2023 investigation date to the April 19, 2023 screening date.
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Good Faith Efforts to Comply

	10.0%	Reduction \$375
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent began conducting walkthrough inspections of the spill buckets every 30 days on May 4, 2023 after the April 14, 2023 Notice of Enforcement.
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Violation Subtotal	\$3,375
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$101	Violation Final Penalty Total \$3,015
This violation Final Assessed Penalty (adjusted for limits) \$3,015	

Economic Benefit Worksheet

Respondent Thakurs Retailer Group LLC dba Thakurs C Store
Case ID No. 63995
Reg. Ent. Reference No. RN106546773
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	15-Feb-2023	4-May-2023	0.21	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the walkthrough inspections of the spill prevention equipment every 30 days. The Date Required is the investigation date, and the Final Date is the compliance date.						

Approx. Cost of Compliance	\$100	TOTAL	\$101
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Screening Date 19-Apr-2023 Respondent Thakurs Retailer Group LLC dba Thakurs C Store Case ID No. 63995 Reg. Ent. Reference No. RN106546773 Media Petroleum Storage Tank Enf. Coordinator Celicia Garza	Docket No. 2023-0618-PST-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin. Code § 115.222(3) and Tex. Health & Safety Code § 382.085(b)
Violation Description		Failed to ensure no avoidable gasoline leaks, as detected by sight, sound, or smell, exist anywhere in the liquid transfer or vapor balance system. Specifically, the Stage I vapor adaptor was not sealing properly and vapors were observed.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
					Percent 30.0%

>> Programmatic Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
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	\$7,500
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Violation Events

Number of Violation Events	1	57	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$7,500
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One quarterly event is recommended from the February 15, 2023 investigation date to the April 13, 2023 compliance date.	
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Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			

Notes	The Respondent replaced the vapor adaptor on April 13, 2023, before the April 14, 2023 Notice of Enforcement date.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$4
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Statutory Limit Test

Violation Final Penalty Total	\$4,899
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This violation Final Assessed Penalty (adjusted for limits)	\$4,899
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Economic Benefit Worksheet

Respondent Thakurs Retailer Group LLC dba Thakurs C Store
Case ID No. 63995
Reg. Ent. Reference No. RN106546773
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	15-Feb-2023	13-Apr-2023	0.16	\$4	n/a	\$4
Notes for DELAYED costs	Estimated delayed cost to replace the vapor adaptor. The Date Required is the investigation date and the Final Date is the compliance date						

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 \$500

TOTAL \$4



Compliance History Report

Compliance History Report for CN605925197, RN106546773, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605925197, Thakurs Retailer Group LLC	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN106546773, Thakurs C Store	Classification:	HIGH	Rating:	0.00
Complexity Points:	2	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	400 State Highway 78 in Lavon, Collin County, Texas				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 85465				
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	February 05, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 05, 2019 to February 05, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Celicia A. Garza	Phone:	(210) 657-8422		

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? Thakurs Retailer Group LLC OWNER OPERATOR since 7/25/2021
- 4) Who was/were the prior owner(s)/operator(s)? MJKMART LLC, OWNER OPERATOR, 8/31/1987 to 7/24/2021

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 25, 2020	(1637837)
Item 2	May 12, 2020	(1645852)

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

THAKURS RETAILER GROUP LLC DBA
THAKURS C STORE

RN106546773

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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0618-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 Thakurs Retailer Group LLC dba Thakurs C Store (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 400 State Highway 78 in Lavon, Collin 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 and 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 \$20,726 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$481 of the penalty and \$4,145 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 contained in this Order.

The remaining amount of \$16,100 of the undeferred penalty shall be paid in 35 monthly payments of \$460 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 satisfactory comply with the 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. Repositioned and tested the liquid sensing probes, so that they are able to detect a minimum of two inches of liquid in the sumps on May 4, 2023.
 - b. Began conducting walkthrough inspections of the spill prevention equipment every 30 days on May 4, 2023.
 - c. Replaced the vapor adaptor on April 13, 2023.

II. ALLEGATIONS

During an investigation at the Station conducted on February 15, 2023, an investigator documented that the Respondent:

1. Failed to monitor the UST installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the UST was installed on December 4, 2012, but the Respondent was not using interstitial monitoring release detection method.

2. Failed to monitor the piping associated with the UST system installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(iii) and TEX. WATER CODE § 26.3475(a). Specifically, the piping associated with the UST system was installed on December 4, 2012, and the Respondent was not using interstitial monitoring as the primary release detection method for the pressurized piping associated with the UST system.
3. Failed to conduct effective inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c).
4. Failed to equip tank manways and dispenser sumps of a secondarily contained UST system with liquid sensing probes which will alert the system owner or operator if more than two inches of liquid collects in any sump or manway, in violation of 30 TEX. ADMIN. CODE § 334.45(d)(1)(E)(vi). Specifically, the liquid sensors in the regular submersible turbine pump sump were not within two inches of the lowest point.
5. Failed to conduct the walkthrough inspection of the spill prevention equipment every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.48(h)(1)(A)(i) and TEX. WATER CODE § 26.3475(c)(2).
6. Failed to ensure no avoidable gasoline leaks, as detected by sight, sound, or smell, exist anywhere in the liquid transfer or vapor balance system, in violation of 30 TEX. ADMIN. CODE § 115.222(3) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Stage I vapor adaptor was not sealing properly and vapors were observed.

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: Thakurs Retailer Group LLC dba Thakurs C Store, Docket No. 2023-0618-PST-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:

- i. Begin conducting proper inventory control procedures, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - ii. Implement interstitial monitoring release detection method for the UST and the piping associated with the UST system at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- 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

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. 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.

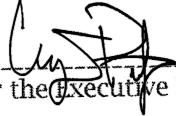
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order 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

8/5/2024


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

Date

KARAN SINGH

Name (Printed or typed)

Title

Authorized Representative of
Thakurs Retailer Group LLC dba Thakurs C Store

Managing Partner

☐ 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.