

Executive Summary – Enforcement Matter – Case No. 66047
Track9 Corporation dba Big Jacks Grocery
RN101376838
Docket No. 2024-0956-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Big Jacks Grocery, 1850 North Stemmons Freeway, Lewisville, Denton 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: March 28, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,177

Amount Deferred for Expedited Settlement: \$4,235

Total Paid to General Revenue: \$16,942

Total Due to General Revenue: \$0

Payment Plan: N/A

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: April 10, 2024

Date(s) of NOE(s): May 15, 2024

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Violation Information

1. Failed to ensure that all release detection equipment installed is maintained in good operating condition. Specifically, the annual release detection equipment test for the automatic tank gauge system failed on April 7, 2024 [30 TEX. ADMIN. CODE § 334.48(e) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on August 19, 2022, and the Respondent was not monitoring it using interstitial monitoring as the primary form of release detection [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].
3. Failed to test the line leak detector for performance and operational reliability at least once per year. Specifically, the annual line leak detector test for the Facility was due to be conducted in March of 2024 but was not conducted until April 3, 2024 [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].
4. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control ("IC") leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not reported [30 TEX. ADMIN. CODE § 334.72].
5. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, IC leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not investigated [30 TEX. ADMIN. CODE § 334.74].
6. Failed to prepare or assemble detailed written records to the TCEQ of a determination of whether or not any prior release of a stored regulated substance has occurred from the UST system that was permanently removed from service. Specifically, four USTs at the Facility were permanently removed from the ground on March 9, 2022 and no release determination report ("RDR") was submitted [30 TEX. ADMIN. CODE § 334.55(a)(6)(D)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

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Docket No. 2024-0956-PST-E

- a. Implemented interstitial monitoring as a release detection method for the UST at the Facility on May 22, 2024;
- b. Reported all suspected releases from the UST at the Facility to the TCEQ on June 18, 2024;
- c. Conducted an investigation of the suspected releases and implemented appropriate corrective measures on May 25, 2024;
- d. Conduct the annual line leak detector test with passing results on April 3, 2024;
- e. Repaired and retested the release detection equipment for the UST at the Facility on April 23, 2024; and
- f. Submitted an RDR for the four USTs that were permanently removed from service by April 24, 2024.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement a process for reporting suspected releases timely; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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: Prakash Patel, President, Track9 Corporation, 3013 Brookvale Drive, Richardson, Texas 75082

Nilesh Golokia, Member, Big Jacks Grocery, 3013 Brookvale Drive, Richardson, Texas 75082

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-May-2024	Screening	20-May-2024	EPA Due	
	PCW	17-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Track9 Corporation dba Big Jacks Grocery				
Reg. Ent. Ref. No.	RN101376838				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	66047	No. of Violations	4
Docket No.	2024-0956-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	\$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.			
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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	-\$2,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$848	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$4,425	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2%	Adjustment	\$52
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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.		
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Final Penalty Amount	\$21,177
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,177
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,235
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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	\$16,942
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Screening Date	20-May-2024	Docket No.	2024-0956-PST-E	PCW
Respondent	Track9 Corporation dba Big Jacks Grocery			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66047			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101376838			
Media	Petroleum Storage Tank			
Enf. Coordinator	Lauren Little			

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 20-May-2024		Docket No. 2024-0956-PST-E	PCW	
Respondent Track9 Corporation dba Big Jacks Grocery		Policy Revision 5 (January 28, 2021)		
Case ID No. 66047		PCW Revision February 11, 2021		
Reg. Ent. Reference No. RN101376838				
Media Petroleum Storage Tank				
Enf. Coordinator Lauren Little				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 334.48(e) and 334.50(b)(1)(B) and (b)(2)(A)(i)(III) and Tex. Water Code § 26.3475(a) and (c)(1)			
Violation Description	Failed to ensure that all release detection equipment installed is maintained in good operating condition. Specifically, the annual release detection equipment test for the automatic tank gauge system failed on April 7, 2024. Also, failed to monitor the underground storage tank ("UST") for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the UST was installed on August 19, 2022, and the Respondent was not monitoring it using interstitial monitoring as the primary form of release detection. Furthermore, failed to test the line leak detector for performance and operational reliability at least once per year. Specifically, the annual line leak detector test for the Facility was due to be conducted in March of 2024 but was not conducted until April 3, 2024.			
Base Penalty		\$25,000		
>> 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 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	40	
		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 April 10, 2024 investigation date to the May 20, 2024 screening date.		
Good Faith Efforts to Comply		10.0%	Reduction	
		\$375		
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
Notes	The Respondent achieved compliance by May 22, 2024, after the May 15, 2024 Notice of Enforcement ("NOE").			
Violation Subtotal		\$3,375		
>> Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$9	Violation Final Penalty Total	\$3,007	
This violation Final Assessed Penalty (adjusted for limits)		\$3,007		

Economic Benefit Worksheet

Respondent Track9 Corporation dba Big Jacks Grocery
Case ID No. 66047
Reg. Ent. Reference No. RN101376838
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	7-Apr-2024	23-Apr-2024	0.04	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Training/Sampling	\$75	5-Mar-2024	3-Apr-2024	0.08	\$0	n/a	\$0
Testing				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	10-Apr-2024	22-May-2024	0.12	\$9	n/a	\$9
Notes for DELAYED costs	Estimated delayed cost to repair and retest the release detection equipment for the UST at the Facility (\$100). The Date Required is the failed test date and the Final Date is the date of compliance. Estimated delayed cost to conduct the annual line leak detector test (\$75). The Date Required is the date the test should have been conducted and the Final Date is the date of compliance. Estimated delayed cost to implement interstitial monitoring release detection for the UST installed on August 19, 2022 at the Facility (\$1,500). 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	\$1,675			TOTAL		\$9	

Screening Date	20-May-2024	Docket No.	2024-0956-PST-E	PCW
Respondent	Track9 Corporation dba Big Jacks Grocery	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	66047			
Reg. Ent. Reference No.	RN101376838			
Media	Petroleum Storage Tank			
Enf. Coordinator	Lauren Little			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.72			
Violation Description	<p>Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control ("IC") leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not reported.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

OR		Harm				
	Falsification	Major	Moderate	Minor		
					Percent	10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$22,500
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\$2,500

Violation Events

Number of Violation Events	2	Number of violation days	324
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty	\$5,000
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Two single events are recommended, one for each UST compartment with a suspected release.

Good Faith Efforts to Comply

	0.0%			
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal	\$5,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$57	

Violation Final Penalty Total	\$4,511
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This violation Final Assessed Penalty (adjusted for limits)	\$4,511
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Economic Benefit Worksheet

Respondent Track9 Corporation dba Big Jacks Grocery
Case ID No. 66047
Reg. Ent. Reference No. RN101376838
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)	\$100	10-Apr-2024	16-Mar-2025	0.93	\$5	n/a	\$5
Notes for DELAYED costs	Estimated delayed cost to develop and implement a process for reporting suspected releases timely. 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	\$25	1-Jul-2023	20-May-2024	0.89	\$1	\$25	\$26
Other (as needed)	\$25	1-Aug-2023	20-May-2024	0.80	\$1	\$25	\$26
Notes for AVOIDED costs	Estimated avoided cost to report the suspected releases. The Dates Required are the earliest dates the suspected releases should have been reported and the Final Dates are the date of screening.						

Approx. Cost of Compliance \$150

TOTAL \$57

Screening Date	20-May-2024	Docket No.	2024-0956-PST-E	PCW
Respondent	Track9 Corporation dba Big Jacks Grocery			Policy Revision 5 (January 28, 2021)
Case ID No.	66047			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101376838			
Media	Petroleum Storage Tank			
Enf. Coordinator	Lauren Little			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 334.74			
Violation Description	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, IC leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not investigated.			
		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	4	295	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$15,000	
	Four quarterly events are recommended from the earliest suspected release investigation due date of July 30, 2023 to the May 20, 2024 screening date.			
>> Good Faith Efforts to Comply				
		10.0%	Reduction	\$1,500
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance on May 25, 2024 after the May 15, 2024 NOE.		
		Violation Subtotal	\$13,500	
>> Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$58	Violation Final Penalty Total	\$12,030
	This violation Final Assessed Penalty (adjusted for limits)			\$12,030

Economic Benefit Worksheet

Respondent Track9 Corporation dba Big Jacks Grocery
Case ID No. 66047
Reg. Ent. Reference No. RN101376838
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)	\$1,400	30-Jul-2023	25-May-2024	0.82	\$58	n/a	\$58

Notes for DELAYED costs

Estimated delayed cost (\$400 for testing per UST compartment plus line and \$600 for the Release Determination Report) to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the earliest suspected release investigation due 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

\$1,400

TOTAL

\$58

Screening Date	20-May-2024	Docket No.	2024-0956-PST-E	PCW
Respondent	Track9 Corporation dba Big Jacks Grocery	Policy Revision 5 (January 28, 2021)		
Case ID No.	66047	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101376838			
Media	Petroleum Storage Tank			
Enf. Coordinator	Lauren Little			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 334.55(a)(6)(D)			
Violation Description	<p>Failed to prepare or assemble detailed written records to the TCEQ of a determination of whether or not any prior release of a stored regulated substance has occurred from the UST system that was permanently removed from service. Specifically, four USTs at the Facility were permanently removed from the ground on March 9, 2022 and no release determination report ("RDR") was submitted.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	1	Number of violation days	747
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daily		
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

Violation Base Penalty	\$2,500
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One single event is recommended.

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDP RP/ Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on April 24, 2024 before the May 15, 2024 NOE.		

Violation Subtotal	\$1,875
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Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$61
Violation Final Penalty Total	\$1,629
This violation Final Assessed Penalty (adjusted for limits)	\$1,629

Economic Benefit Worksheet

Respondent Track9 Corporation dba Big Jacks Grocery
Case ID No. 66047
Reg. Ent. Reference No. RN101376838
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)	\$600	8-Apr-2022	24-Apr-2024	2.05	\$61	n/a	\$61
Notes for DELAYED costs Estimated delayed cost to submit an RDR to the TCEQ for the four USTs that were permanently removed from the ground at the Facility on March 9, 2022. The Date Required is the date that the report was due 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 \$600

TOTAL \$61

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN606070787, RN101376838, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN606070787, Track9 Corporation **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101376838, BIG JACKS GROCERY **Classification:** HIGH **Rating:** 0.00

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1850 North Stemmons Freeway, Lewisville, Denton County, Texas 75067-2204

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 8171

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: December 17, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 17, 2019 to December 17, 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? YES
- 3) Who is the current owner/operator? Metro Petro Rentals, Inc. OWNER since 10/23/1998
Track9 Corporation OWNER OPERATOR since 2/1/2022
- 4) Who was/were the prior owner(s)/operator(s)? AWQ, LLC, OWNER OPERATOR, 8/31/2012 to 1/31/2022
SAMJUNG INC, OWNER, 9/1/2012 to 1/31/2022

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	June 28, 2021	(1737506)
Item 2	April 01, 2022	(1804022)
Item 3	November 10, 2022	(1855044)

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
TRACK9 CORPORATION DBA BIG
JACKS GROCERY
RN101376838

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

AGREED ORDER DOCKET NO. 2024-0956-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 Track9 Corporation dba Big Jacks Grocery (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 1850 North Stemmons Freeway in Lewisville, Denton 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 \$21,177 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,942 of the penalty and \$4,235 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Implemented interstitial monitoring as a release detection method for the UST at the Facility on May 22, 2024;
 - b. Reported all suspected releases from the UST at the Facility to the TCEQ on June 18, 2024;
 - c. Conducted an investigation of the suspected releases and implemented appropriate corrective measures on May 25, 2024;
 - d. Conduct the annual line leak detector test with passing results on April 3, 2024;
 - e. Repaired and retested the release detection equipment for the UST at the Facility on April 23, 2024; and
 - f. Submitted a release determination report ("RDR") for the four USTs that were permanently removed from service by April 24, 2024.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 10, 2024, an investigator documented that the Respondent:

1. Failed to ensure that all release detection equipment installed is maintained in good operating condition, in violation of 30 TEX. ADMIN. CODE § 334.48(e) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the annual release detection equipment test for the automatic tank gauge system failed on April 7, 2024.
2. Failed to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009, 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 August 19, 2022, and the Respondent was not monitoring it using interstitial monitoring as the primary form of release detection.

3. Failed to test the line leak detector for performance and operational reliability at least once per year, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE 26.3475(a). Specifically, the annual line leak detector test for the Facility was due to be conducted in March of 2024 but was not conducted until April 3, 2024.
4. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control ("IC") leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not reported.
5. 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, IC leak check results for the regular unleaded UST compartment for June 2023 through August 2023 and for the super unleaded UST compartment for May 2023 through September 2023 and January 2024 through March 2024, respectively, indicated suspected releases that were not investigated.
6. Failed to prepare or assemble detailed written records to the TCEQ of a determination of whether or not any prior release of a stored regulated substance has occurred from the UST system that was permanently removed from service, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(6)(D). Specifically, four USTs at the Facility were permanently removed from the ground on March 9, 2022 and no RDR was submitted.

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: Track9 Corporation dba Big Jacks Grocery, Docket No. 2024-0956-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, implement a process for reporting suspected releases timely, in accordance with 30 TEX. ADMIN. CODE § 334.72.
- 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 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

5/2/2025
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

Track9 Corporation dba Big Jacks Grocery

☐ 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.