

**Executive Summary – Enforcement Matter – Case No. 57877**

**Syed Sajid**

**RN101545572**

**Docket No. 2019-0866-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Discount Gas & Food Mart, 7505 Charles Fred Hawn Freeway, Dallas, Dallas County

**Type of Operation:**

Out-of-service underground storage tank ("UST") system and a former 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:** April 16, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,164

**Amount Deferred as Recommended by the Commission:** \$12,564

**Total Paid to General Revenue:** \$600

**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:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 29, 2018 and May 3, 2019

**Date(s) of NOE(s):** June 14, 2019

**Executive Summary – Enforcement Matter – Case No. 57877**

**Syed Sajid**

**RN101545572**

**Docket No. 2019-0866-PST-E**

***Violation Information***

1. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current operational status of the USTs [30 TEX. ADMIN. CODE §334.7(d)(1)(B) and (d)(3)].
2. Failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, there was no electricity to power the rectifier [30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C), 334.54(b)(3), and TEX. WATER CODE § 26.3475(d)].
3. Failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial testing of the corrosion protection system had not been conducted [30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C), 334.54(b)(3), and TEX. WATER CODE § 26.3475(d)].
4. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the diesel and premium fuel fill caps were not properly secured [30 TEX. ADMIN. CODE § 334.54(b)(2)].
5. Failed to ensure that any residue from stored regulated substances which remain in the temporarily out-of-service UST did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity. Specifically, the premium fuel UST contained 14 inches of product [30 TEX. ADMIN. CODE § 334.54(d)(2)(B)].
6. Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility [30 TEX. ADMIN. CODE § 334.602(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, submit an amended UST registration form to reflect the current operational status of the USTs.

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**Syed Sajid**

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b. Within 30 days:

i. Begin conducting bimonthly inspections of the impressed current cathodic protection system;

ii. Conduct the triennial testing of the corrosion protection system;

iii. Empty the out-of-service USTs of all regulated substances;

iv. Properly secure all access points of the USTs to prevent access, tampering, or vandalism by unauthorized persons; and

v. Designate, train, and certify a Class A/B operator.

c. Within 45 days, submit written certification to demonstrate compliance with a. and b.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Berenice Munoz, Enforcement Division, Enforcement Team 6, MC R-06, (915) 834-4976; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Syed Sajid, Owner, 2514 Apollo Villa Road, Garland, Texas 75044

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	17-Jun-2019	<b>Screening</b>	18-Jun-2019	<b>EPA Due</b>	
	<b>PCW</b>	14-Oct-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Syed Sajid				
<b>Reg. Ent. Ref. No.</b>	RN101545572				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	57877	<b>No. of Violations</b>	4
<b>Docket No.</b>	2019-0866-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Berenice Munoz
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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.

<b>Compliance History</b>	25.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,500
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<b>Notes</b>	Enhancement for one Agreed Order containing a denial of liability and one NOV with same/similar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$762	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,986	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	5.3%	<b>Adjustment</b>	\$664
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.
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<b>Final Penalty Amount</b>	\$13,164
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,164
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<b>DEFERRAL</b>	95.4%	Reduction	<b>Adjustment</b>	-\$12,564
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered as recommended by the Commission.
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<b>PAYABLE PENALTY</b>	\$600
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**Screening Date** 18-Jun-2019

**Docket No.** 2019-0866-PST-E

**PCW**

**Respondent** Syed Sajid

*Policy Revision 4 (April 2014)*

**Case ID No.** 57877

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101545572

**Media** Petroleum Storage Tank

**Enf. Coordinator** Berenice Munoz

### 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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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)** 25%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one Agreed Order containing a denial of liability and one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 25%

Screening Date 18-Jun-2019

Docket No. 2019-0866-PST-E

PCW

Respondent Syed Sajid

Policy Revision 4 (April 2014)

Case ID No. 57877

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101545572

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §334.7(d)(1)(B) and (d)(3)

Violation Description Failed to notify the agency of any change or additional information regarding the underground storage tank ("UST") system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current operational status of the USTs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 232 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 \$3

Violation Final Penalty Total \$1,646

This violation Final Assessed Penalty (adjusted for limits) \$1,646

## Economic Benefit Worksheet

**Respondent** Syed Sajid  
**Case ID No.** 57877  
**Reg. Ent. Reference No.** RN101545572  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	29-Oct-2018	12-Apr-2020	1.45	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to submit an amended UST registration form to reflect the current operational status of the USTs. The Date Required is the date of the initial investigation 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

\$40

**TOTAL**

\$3

Screening Date 18-Jun-2019

Docket No. 2019-0866-PST-E

PCW

Respondent Syed Sajid

Policy Revision 4 (April 2014)

Case ID No. 57877

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101545572

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 334.49(c)(2)(C) and (c)(4)(C), 334.54(b)(3), and Tex. Water Code § 26.3475(d)

Violation Description

Failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, there was no electricity to power the rectifier. Also, failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial testing of the corrosion protection system had not been conducted.

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

46 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 May 3, 2019 investigation date to the June 18, 2019 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 \$707

Violation Final Penalty Total \$4,937

This violation Final Assessed Penalty (adjusted for limits) \$4,937



## Economic Benefit Worksheet

**Respondent** Syed Sajid  
**Case ID No.** 57877  
**Reg. Ent. Reference No.** RN101545572  
**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	\$500	29-Oct-2018	12-Apr-2020	1.45	\$36	n/a	\$36
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	29-Oct-2018	12-Apr-2020	1.45	\$7	n/a	\$7

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the corrosion protection system (\$500) and to conduct bimonthly inspections of the impressed current cathodic protection system (\$100). The Dates Required are the initial investigation date and the Final Dates are 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	\$167	3-May-2016	18-Jun-2019	3.13	\$42	\$521	\$563
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	4-Mar-2019	18-Jun-2019	0.29	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the triennial testing of the corrosion protection system (\$167 per year) and to conduct bimonthly inspections of the impressed current cathodic protection system (\$100). The Dates Required are three years prior to the investigation date and 60 days prior to the investigation date, respectively, and the Final Dates are the screening date.

Approx. Cost of Compliance

\$1,221

**TOTAL**

\$707

Screening Date 18-Jun-2019

Docket No. 2019-0866-PST-E

PCW

Respondent Syed Sajid

Policy Revision 4 (April 2014)

Case ID No. 57877

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101545572

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.54(b)(2) and (d)(2)(B)

Violation Description

Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the diesel and premium fuel fill caps were not properly secured. Also, failed to ensure that any residue from stored regulated substances which remain in the temporarily out-of-service USTs did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity. Specifically, the premium fuel UST contained 14 inches of product.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	X			

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
				0.0%

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 Number of violation days 46

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the May 3, 2019 investigation date to the June 18, 2019 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 \$43

Violation Final Penalty Total \$4,937

This violation Final Assessed Penalty (adjusted for limits) \$4,937

## Economic Benefit Worksheet

**Respondent** Syed Sajid  
**Case ID No.** 57877  
**Reg. Ent. Reference No.** RN101545572  
**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
Other (as needed)	\$100	29-Oct-2018	12-Apr-2020	1.45	\$7	n/a	\$7
Other (as needed)	\$500	29-Oct-2018	12-Apr-2020	1.45	\$36	n/a	\$36

Notes for DELAYED costs

Estimated delayed cost to empty the out-of-service UST of all regulated substances (\$500) and to properly secure all access points of the USTs to prevent access, tampering, or vandalism by unauthorized persons (\$100). The Date Required is the initial 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

	\$600
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**TOTAL**

	\$43
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Screening Date 18-Jun-2019

Docket No. 2019-0866-PST-E

PCW

Respondent Syed Sajid

Policy Revision 4 (April 2014)

Case ID No. 57877

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101545572

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.602(a)

Violation Description Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5.0%).

>> Programmatic Matrix

Table with columns: 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 Number of violation days 46

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$1,250

One quarterly event is recommended from the May 3, 2019 investigation date to the June 18, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Effort Level (Extraordinary, Ordinary, N/A) and checkboxes.

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 \$9

Violation Final Penalty Total \$1,646

This violation Final Assessed Penalty (adjusted for limits) \$1,646

## Economic Benefit Worksheet

**Respondent** Syed Sajid  
**Case ID No.** 57877  
**Reg. Ent. Reference No.** RN101545572  
**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	\$125	29-Oct-2018	12-Apr-2020	1.45	\$9	n/a	\$9
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 designate, train, and certify a Class A/B operator for the Facility. The Date Required is the initial 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

\$125

**TOTAL**

\$9

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# TCEQ Compliance History Report

Compliance History Report for CN600814057, RN101545572, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

**Customer, Respondent, or Owner/Operator:** CN600814057, Sajid, Syed **Classification:** SATISFACTORY **Rating:** 22.50  
**Regulated Entity:** RN101545572, Discount Gas & Food Mart **Classification:** SATISFACTORY **Rating:** 22.50  
**Complexity Points:** 4 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 7505 Charles Fred Hawn Freeway, Dallas, Dallas County, Texas 75217-6524  
**TCEQ Region:** REGION 04 - DFW METROPLEX

## ID Number(s):

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 60842

**Compliance History Period:** September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

**Date Compliance History Report Prepared:** June 25, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 25, 2014 to June 25, 2019

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Berenice Munoz

**Phone:** (915) 834-4976

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 04/08/2016 ADMINORDER 2015-1341-PST-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(d)  
30 TAC Chapter 334, SubChapter C 334.49(a)(1)  
Description: Failure to provide corrosion protection for the UST system.  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)  
Description: Failure to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

N/A

## 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:	01/03/2019	(1525538)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter N 334.602(a)			
	Description:	Failure to have identified and designated at least one named individual for each class of underground storage tank (UST) operator.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 334, SubChapter A 334.7(d)(3) 30 TAC Chapter 334, SubChapter A 334.7(e)(2)			
	Description:	Failure to amend registration within 30-days of a change in tank status.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.54(c)(1)			
	Description:	Failure to provide documentation that the underground storage tank (UST) system has been emptied to less than 2.5-cm of product to be considered exempt from the release detection requirements of 30 TAC 334.50.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C) 30 TAC Chapter 334, SubChapter C 334.54(b)(3)			
	Description:	Failure to test the impressed current cathodic protection system every three years to ensure the underground storage tank system is protected from corrosion.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.49(c)(2)(C) 30 TAC Chapter 334, SubChapter C 334.54(b)(3)			
	Description:	Failure to conduct and record 60-day inspections to ensure that the rectifier and other components of the impressed current system are operating properly.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.54(b)(2)			
	Description:	Failure to secure the out-of-service underground storage tanks to prevent access, tampering or vandalism by unauthorized persons.			

## 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  
SYED SAJID  
RN10154572**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2019-0866-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 Syed Sajid (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, as defined in 30 TEX. ADMIN. CODE § 334.2(78), an out-of-service underground storage tank ("UST") system and a former convenience store with retail sales of gasoline located at 7505 Charles Fred Hawn Freeway in Dallas, Dallas 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 \$13,164 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$600 of the penalty and \$12,564 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 investigations conducted on October 29, 2018 and May 3, 2019, an investigator documented that the Respondent:

1. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE §334.7(d)(1)(B) and (d)(3). Specifically, the registration was not updated to reflect the current operational status of the USTs.
2. Failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, in violation of 30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C), 334.54(b)(3), and TEX. WATER CODE § 26.3475(d). Specifically, there was no electricity to power the rectifier.
3. Failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C), 334.54(b)(3), and TEX. WATER CODE § 26.3475(d). Specifically, the triennial testing of the corrosion protection system had not been conducted.
4. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2). Specifically, the diesel and premium fuel fill caps were not properly secured.
5. Failed to ensure that any residue from stored regulated substances which remain in the temporarily out-of-service UST did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity, in violation of 30 TEX. ADMIN. CODE § 334.54(d)(2)(B). Specifically, the premium fuel UST contained 14 inches of product.

6. Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a).

### **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: Syed Sajid, Docket No. 2019-0866-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. Immediately after the effective date of this Order, submit an amended UST registration form to reflect the current operational status of the USTs, in accordance with 30 TEX. ADMIN. CODE § 334.7.
  - b. Within 30 days after the effective date of this Order:
    - i. Begin conducting bimonthly inspections of the impressed current cathodic protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49;
    - ii. Conduct the triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49;
    - iii. Empty the out-of-service USTs of all regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.54;
    - iv. Properly secure all access points of the USTs to prevent access, tampering, or vandalism by unauthorized persons, in accordance with 30 TEX. ADMIN. CODE § 334.54; and
    - v. Designate, train, and certify a Class A/B operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602.

- c. 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 Nos. 2.a and 2.b. 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:

Order Compliance Team  
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. 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 Order Compliance Team 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



\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

12/13/2021

\_\_\_\_\_  
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 Attorney General's Office 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 Attorney General's Office 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

11/15/2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Syed Sajid  
Name (Printed or typed)  
Authorized Representative of  
Syed Sajid

\_\_\_\_\_  
Owner  
Title

*If mailing address has changed, please check this box and provide the new address below:*