

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58331
ASIF ENTERPRISES, LLC dba Quick Stop
RN101913390
Docket No. 2020-0569-PST-E

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
124 West Kingsbury Street, Seguin, Guadalupe County

Type of Operation:
out-of-service underground storage tank (“UST”) system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None
Texas Register Publication Date:	June 3, 2022
Comments Received:	None

Penalty Information

Total Penalty Assessed:	\$11,430
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$11,430

Compliance History Classifications:

Person/CN - Unclassified
Site/RN - Unclassified

Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	April 2014

Investigation Information

Complaint Date(s):	N/A
Date(s) of Investigation:	August 9, 2019
Date(s) of NOV(s):	N/A
Date(s) of NOE(s):	August 30, 2019

Violation Information

1. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].
2. Failed to maintain the corrosion protection system in a manner that will ensure all the underground metal components of the out-of-service UST system will be continuously protected from corrosion [TEX. WATER CODE §§ 26.3475(a), (c)(1) and (d), and 30 TEX. ADMIN. CODE §§ 334.48(f), 334.49(a)(2), 334.50(b)(1)(A) and (b)(2), and 334.54(b)(3) and (c)(1)].
3. Failed to monitor the out-of-service USTs in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and (b)(2) and 334.54(c)(1)].
4. Failed to provide release detection for the pressurized piping associated with the out-of-service UST system [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE §§ 334.50(b)(2) and 334.54(c)(1)].
5. Failed to equip each tank with overfill prevention equipment [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)].
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:

None

Technical Requirements:

1. The Facility's UST fuel delivery certificate is revoked immediately. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements of this Order, including payment of the administrative penalty in full.
2. Immediately, Respondent shall cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
3. Within 10 days, Respondent shall send the Facility's UST fuel delivery certificate.
4. Within 15 days, Respondent shall submit written certification to demonstrate compliance with Technical Requirements Nos. 2 and 3.
5. Upon obtaining a new fuel delivery certificate, post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times.
6. Within 15 days after obtaining a new fuel delivery certificate, submit written certification to demonstrate compliance with Technical Requirement No. 5.
7. Within 30 days:
 - a. Obtain acceptable financial assurance.
 - b. Repair and maintain the corrosion protection system for Facility.
 - c. Implement a method of release detection for the USTs at the Facility.
 - d. Conduct the line leak detector and piping tightness test, with passing results, for the pressurized piping at the Facility.
 - e. Install overfill prevention equipment for each UST.
 - f. Identify and designate a Class A/B Operator for the UST Facility.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58331
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RN101913390
Docket No. 2020-0569-PST-E

8. Within 45 days submit written certification to demonstrate compliance with Technical Requirements Nos. 7.a. through 7.f.

Litigation Information

Date Petition(s) Filed: May 19, 2021; June 25, 2021
Date Green Card(s) Signed: unclaimed; unclaimed
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: John Fennell, Enforcement Division, (512) 239-2616
TCEQ Regional Contact: Cameron Lopez, San Antonio Regional Office, (210) 403-4044
Respondent Contact: Naseera Khan, Member, ASIF ENTERPRISES, LLC, 1003 Boulder Canyon, San Antonio, Texas 78260
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	3-Sep-2019	Screening	13-Sep-2019	EPA Due	
	PCW	27-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	ASIF ENTERPRISES, LLC dba Quick Stop
Reg. Ent. Ref. No.	RN101913390
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	58331	No. of Violations	4
Docket No.	2020-0569-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Fennell
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$5,559
 Estimated Cost of Compliance: \$19,232
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	52.4% Adjustment	\$3,930
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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 Nos. 1 and 2.

Final Penalty Amount	\$11,430
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,430
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$11,430
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Screening Date 13-Sep-2019

Docket No. 2020-0569-PST-E

PCW

Respondent ASIF ENTERPRISES, LLC dba Quick Stop

Policy Revision 4 (April 2014)

Case ID No. 58331

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101913390

Media Petroleum Storage Tank

Enf. Coordinator John Fennell

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)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 13-Sep-2019

Docket No. 2020-0569-PST-E

PCW

Respondent ASIF ENTERPRISES, LLC dba Quick Stop

Policy Revision 4 (April 2014)

Case ID No. 58331

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101913390

Media Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)

Violation Description Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 35

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

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Effort Type (Extraordinary, Ordinary, N/A), Timing (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer), Count (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 \$4,089

Violation Final Penalty Total \$1,905

This violation Final Assessed Penalty (adjusted for limits) \$1,905

Economic Benefit Worksheet

Respondent ASIF ENTERPRISES, LLC dba Quick Stop
Case ID No. 58331
Reg. Ent. Reference No. RN101913390
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)	\$3,300	9-Aug-2019	25-Apr-2021	1.71	\$283	n/a	\$283

Notes for DELAYED costs

Estimated delayed cost to provide financial assurance for five petroleum USTs (\$660 per tank, per year). The Date Required is the investigation date, and the Final Date is the estimated 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	\$3,300	9-Aug-2018	13-Sep-2019	1.10	\$190	\$3,616	\$3,806
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for five petroleum USTs (\$660 per tank, per year). The Date Required is one year prior to the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$6,916

TOTAL

\$4,089

Screening Date 13-Sep-2019

Docket No. 2020-0569-PST-E

PCW

Respondent ASIF ENTERPRISES, LLC dba Quick Stop

Policy Revision 4 (April 2014)

Case ID No. 58331

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101913390

Media Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 334.48(f), 334.49(a)(2), 334.50(b)(1)(A) and (b)(2), and 334.54(b)(3) and (c)(1), and Tex. Water Code § 26.3475(a), (c)(1), and (d)

Violation Description

Failed to maintain the corrosion protection system in a manner that will ensure all underground metal components of the out-of-service UST system will be continuously protected from corrosion. Specifically, the rectifier had a zero reading indicating the corrosion protection system was not functioning. In addition, failed to monitor the out-of-service USTs in a manner which will detect a release at a frequency of at least once every 30 days. Furthermore, failed to provide release detection for the pressurized piping associated with the out-of-service UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.

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 35 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 August 9, 2019 investigation date to the September 13, 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 \$553

Violation Final Penalty Total \$5,715

This violation Final Assessed Penalty (adjusted for limits) \$5,715

Economic Benefit Worksheet

Respondent ASIF ENTERPRISES, LLC dba Quick Stop
Case ID No. 58331
Reg. Ent. Reference No. RN101913390
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	\$3,000	9-Aug-2019	25-Dec-2020	1.38	\$14	\$276	\$290
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)	\$1,618	9-Aug-2019	25-Apr-2021	1.71	\$139	n/a	\$139

Notes for DELAYED costs

Estimated delayed cost to repair the cathodic protection system. The Date Required is the investigation date, and the Final Date is the estimated compliance date.

Estimated delayed cost to implement a method of release detection for the UST at the Facility (\$1,500) and to conduct the annual line leak detector and piping tightness testing (\$118). The Date Required is the investigation date and the Final Date is the estimated 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
Corrosion Protection Testing				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)	\$118	9-Aug-2018	13-Sep-2019	1.10	\$6	\$118	\$124

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness testing. The Date Required is one year prior to the investigation, and the Final Date the screening date.

Approx. Cost of Compliance

\$4,736

TOTAL

\$553

Screening Date 13-Sep-2019

Docket No. 2020-0569-PST-E

PCW

Respondent ASIF ENTERPRISES, LLC dba Quick Stop

Policy Revision 4 (April 2014)

Case ID No. 58331

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101913390

Media Petroleum Storage Tank

Enf. Coordinator John Fennell

Violation Number 3

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

Violation Description Failed to equip each tank with overfill prevention equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 35 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the August 9, 2019 investigation date to the September 13, 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$899

Violation Final Penalty Total \$1,905

This violation Final Assessed Penalty (adjusted for limits) \$1,905

Economic Benefit Worksheet

Respondent ASIF ENTERPRISES, LLC dba Quick Stop
Case ID No. 58331
Reg. Ent. Reference No. RN101913390
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	\$7,500	9-Aug-2019	25-Apr-2021	1.71	\$43	\$856	\$899
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install overfill prevention devices for five UST (\$1,500 each). The Date Required is the investigation date, and the Final Date is the estimated 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

\$7,500

TOTAL

\$899

Screening Date 13-Sep-2019 **Docket No.** 2020-0569-PST-E **PCW**
Respondent ASIF ENTERPRISES, LLC dba Quick Stop
Case ID No. 58331
Reg. Ent. Reference No. RN101913390
Media Petroleum Storage Tank
Enf. Coordinator John Fennell

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

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. Specifically, a Class A/B Operator was not identified.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 35 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the August 9, 2019 investigation date to the September 13, 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,905

This violation Final Assessed Penalty (adjusted for limits) \$1,905

Economic Benefit Worksheet

Respondent ASIF ENTERPRISES, LLC dba Quick Stop
Case ID No. 58331
Reg. Ent. Reference No. RN101913390
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	\$80	25-Oct-2016	25-Apr-2021	4.50	\$18	n/a	\$18
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 and train a Class A/B Operator. The Date Required is the date of ownership change, and the Final Date is the estimated 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
Training/Sampling				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

\$80

TOTAL

\$18

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 CN605694827, RN101913390, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN605694827, ASIF ENTERPRISES, LLC **Classification:** UNCLASSIFIED **Rating:** -----
Regulated Entity: RN101913390, Quick Stop **Classification:** UNCLASSIFIED **Rating:** -----
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 124 W KINGSBURY ST SEGUIN, TX 78155-2624, GUADALUPE COUNTY
TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION **PETROLEUM STORAGE TANK NON REGISTERED ID**
REGISTRATION 31638 NUMBER R13101913390
Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: April 03, 2020
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: April 03, 2015 to April 03, 2020

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

Name: John Fennell **Phone:** (512) 239-2616

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? RIAZ, MUHAMMAD OWNER since 8/26/2019
ABBASI TRADERS INC OWNER OPERATOR since 1/30/2015
Asif Enterprises, LLC OWNER since 10/25/2016
- 4) Who was/were the prior owner(s)/operator(s)? 124 West Kingsbury, LLC, OWNER, 1/30/2015 to 12/31/2015
Raja & Aliah Investments, Inc., OWNER OPERATOR, 7/1/2012 to 1/29/2015

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.):
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.
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
ASIF ENTERPRISES, LLC DBA
QUICK STOP;
RN101913390**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2020-0569-PST-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the facility’s fuel delivery certificate. The respondent made the subject of this Order is ASIF ENTERPRISES, LLC dba Quick Stop (“Respondent”).

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns, as defined in 30 TEX. ADMIN. CODE § 334.2(78), an out-of-service underground storage tank (“UST”) system located at 124 West Kingsbury Street in Seguin, Guadalupe County, Texas (Facility ID No. 31638) (the “Facility”). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and contain a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on August 9, 2019, an investigator documented that Respondent:
 - a. Failed to demonstrate acceptable financial assurance for Facility USTs;
 - b. Failed to maintain the corrosion protection system in a manner that will ensure all underground metal components of the out-of-service UST system will be continuously protected from corrosion. Specifically, the rectifier had a “zero” reading indicating the corrosion protection system was not functioning. In addition, failed to monitor the out-of-service USTs in a manner which will detect a release at a frequency of at least once every 30 days. Furthermore, failed to provide release detection for the pressurized piping associated with the out-of-service UST system. Specifically, Respondent did not conduct the annual line leak detector and piping tightness tests;
 - c. Failed to equip each tank with overfill prevention equipment; and
 - d. 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. Specifically, a Class A/B Operator was not identified.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASIF ENTERPRISES, LLC dba Quick Stop” (the “EDPRP”) in the TCEQ Chief Clerk’s office on May 19, 2021.

4. The EDPRP was mailed to Respondent's last known address on May 19, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on June 25, 2021.
6. By letter dated June 25, 2021, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain the corrosion protection system in a manner that will ensure all the underground metal components of the out-of-service UST system will be continuously protected from corrosion, in violation of TEX. WATER CODE §§ 26.3475(a), (c)(1) and (d), and 30 TEX. ADMIN. CODE §§ 334.48(f), 334.49(a)(2), 334.50(b)(1)(A) and (b)(2), and 334.54(b)(3) and (c)(1). In addition, failed to monitor the out-of-service USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and (b)(2) and 334.54(c)(1). Furthermore, failed to provide release detection for the pressurized piping associated with the out-of-service UST system, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE §§ 334.50(b)(2) and 334.54(c)(1).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to equip each tank with overflow prevention equipment, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)(C);
5. As evidenced by Finding of Fact No. 2.d., Respondent 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).
6. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
7. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of eleven thousand four hundred thirty dollars (\$11,430.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
11. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke the Facility's UST fuel delivery certificate if the Commission finds that good cause exists.
12. Good cause for revocation of the Facility's UST fuel delivery certificate exists as justified by Findings of Fact Nos. 2 through 7, and Conclusions of Law Nos. 2 through 7.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of eleven thousand four hundred thirty dollars (\$11,430.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: ASIF ENTERPRISES, LLC dba Quick Stop; Docket No. 2020-0569-PST-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. The Facility's UST fuel delivery certificate is revoked immediately upon the effective date of this Order. Respondent may submit an application for a new fuel delivery certificate only after Respondent has complied with all of the requirements of this Order, including payment of the administrative penalty in full.
4. Immediately upon the effective date of this Order, Respondent shall cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ in accordance with 30 TEX. ADMIN. CODE §§ 334.7 and 334.8.
5. Within 10 days after the effective date of this Order, Respondent shall send the Facility's UST fuel delivery certificate to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
6. Within 15 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 7.e., below, to demonstrate compliance with Ordering Provision Nos. 4 and 5.
7. Respondent shall undertake the following technical requirements:

- a. Upon obtaining a new fuel delivery certificate, post the fuel delivery certificate in a location at the Facility where the delivery certificate is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii);
- b. Within 15 days after obtaining a new fuel delivery certificate pursuant to Ordering Provision No. 4, submit written certification in accordance with Ordering Provision No. 7.e., below, to demonstrate compliance with Ordering Provision No. 7.a;
- c. Within 30 days after the effective date of this Order:
 - i. Obtain acceptable financial assurance, in accordance with 30 TEX. ADMIN. CODE § 37.815(a) and (b) (Conclusion of Law No. 2);
 - ii. Repair and maintain the corrosion protection system for Facility, in accordance with 30 TEX. ADMIN. CODE § 334.49; (Conclusion of Law No. 3);
 - iii. Implement a method of release detection for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Conclusion of Law No. 3);
 - iv. Conduct the line leak detector and piping tightness tests, with passing results, for the pressurized piping at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Conclusion of Law No. 3);
 - v. Install overflow prevention equipment for each UST, in accordance with 30 TEX. ADMIN. CODE § 334.51 (Conclusion of Law No. 4); and
 - vi. Identify and designate a Class A/B Operator for the UST Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602 (Conclusion of Law No. 5); and
- d. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 7.e., below, to demonstrate compliance with Ordering Provision Nos. 7.c.i. through 7.c.vi.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Waste Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

8. All relief not expressly granted in this Order is denied.
9. The provisions of this Order shall apply to and be binding upon Respondent. 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.
10. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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.
11. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
12. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
13. 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.
14. 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.
15. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF TAYLOR PEARSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASIF ENTERPRISES, LLC dba Quick Stop" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 19, 2021.

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On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on June 25, 2021.

The EDPRP was mailed to Respondent's last known address on June 25, 2021, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

"My name is Taylor Wayne Pearson, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 16th day of May, 2021.

A handwritten signature in blue ink that reads "Taylor Pearson".

Declarant