

**Executive Summary – Enforcement Matter – Case No. 61491**  
**SAVS Management Corporation**  
**RN102454816**  
**Docket No. 2021-1405-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

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

One Stop, 14701 North Mopac Expressway, Austin, Travis County

**Type of Operation:**

Temporarily out-of-service underground storage tank ("UST") system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,000

**Amount Deferred for Expedited Settlement:** \$1,800

**Total Paid to General Revenue:** \$7,200

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** June 9, 2021

**Date(s) of NOE(s):** October 12, 2021

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**SAVS Management Corporation**  
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**Docket No. 2021-1405-PST-E**

***Violation Information***

1. Failed to to designate, train, and certify at least one named individual for each class of operator - Class A and Class B, and Class C - for the Facility. Specifically, the Facility did not have a Class A and Class B Operator [30 TEX. ADMIN. CODE § 334.602(a)].
2. Failed to empty the UST system and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements. Specifically, the Respondent did not perform a site check for the tanks at the Facility [30 TEX. ADMIN. CODE § 334.54(e)(5)].
3. 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 riser caps were not secured with locks [30 TEX. ADMIN. CODE § 334.54(b)(2)].
4. Failed to monitor a temporarily out-of-service UST system in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.54(c)(1) and TEX. WATER CODE § 26.3475(c)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Designate, train, and certify at least one named individual as Class A and Class B Operator; and
  - ii. Properly temporarily remove the UST system from service which includes providing release detection for the UST system, locking and securing all tank access points, and ancillary equipment at the Facility, and either providing

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financial assurance, or emptying the USTs of all regulated substances and conducting a site check;

b. Within 90 days, submit an amended registration to reflect the operational status of the UST system as temporarily removed from service.

c. Within 105 days, submit written certification to demonstrate compliance with a. and b.

d. In lieu of a. and b., within 195 days, permanently remove the UST system from service:

i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities; and

ii. Employing a Licensed UST Contractor to perform all removal activities, including:

1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;

2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;

3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and

4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.

iii. Within 225 days, submit a completely and accurately filled out registration to reflect the current ownership information, UST system information, and operational status of the UST system as permanently removed from service.

e. Within 255 days, submit written certification to demonstrate compliance with d.

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**Docket No. 2021-1405-PST-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Horus Garcia, Enforcement Division,  
Enforcement Team 3, MC 219, (512) 239-1813; Michael Parrish, Enforcement  
Division, MC 219, (512) 239-2548

**Respondent:** Sreenivas Neerukonda, Director, SAVS Management Corporation,  
14701 North Mopac Expressway, Austin, Texas 78728-4204

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 18-Oct-2021 | <b>Screening</b> | 21-Oct-2021 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 23-Nov-2021 |                  |             |                |  |

|  |                             |
|--|-----------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                             |
| <b>Respondent</b>                      | SAVS Management Corporation |
| <b>Reg. Ent. Ref. No.</b>              | RN102454816                 |
| <b>Facility/Site Region</b>            | 11-Austin                   |
| <b>Major/Minor Source</b>              | Minor                       |

|  |                        |                              |                    |
|--|------------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                        |                              |                    |
| <b>Enf./Case ID No.</b>                | 61491                  | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2021-1405-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>      | Alain Elegbe       |
|  |                        | <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> | \$7,500 |
|---|-------------------|---------|

### 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> | 20.0% | Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | \$1,500 |
|---------------------------|-------|------------|--------------------------------|---------|

|              |  |
|--------------|--|
| <b>Notes</b> | Enhancement for one Agreed Order containing a denial of liability. |
|--------------|--|

|                    |    |      |             |                   |     |
|--------------------|----|------|-------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% | Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

|              |  |
|--------------|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |
|--------------|--|

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |      |              |                   |     |
|-------------------------|------|--------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% | Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|------|--------------|-------------------|-----|

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts             | \$3,105  | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$52,590 |                                   |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$9,000 |
|-----------------------------|-----------------------|---------|

|   |      |            |  |
|---|------|------------|--|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | Adjustment |  |
|---|------|------------|--|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> |  |
|--------------|--|

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$9,000 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$9,000 |
|-----------------------------------|-------------------------------|---------|

|                 |       |           |                   |          |
|-----------------|-------|-----------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0% | Reduction | <b>Adjustment</b> | -\$1,800 |
|-----------------|-------|-----------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Deferral offered for expedited settlement. |
|--------------|--|

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$7,200 |
|------------------------|---------|

**Screening Date** 21-Oct-2021

**Docket No.** 2021-1405-PST-E

**PCW**

**Respondent** SAVS Management Corporation

Policy Revision 5 (January 28, 2021)

**Case ID No.** 61491

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN102454816

**Media** Petroleum Storage Tank

**Enf. Coordinator** Alain Elegbe

### 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> )  | 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)** 20%

**>> 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.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

|                                |  |                     |                 |   |
|--------------------------------|--|---------------------|-----------------|---|
| <b>Screening Date</b>          | 21-Oct-2021  | <b>Docket No.</b>   | 2021-1405-PST-E | <b>PCW</b>                                  |
| <b>Respondent</b>              | SAVS Management Corporation  |                     |                 | <i>Policy Revision 5 (January 28, 2021)</i> |
| <b>Case ID No.</b>             | 61491  |                     |                 | <i>PCW Revision February 11, 2021</i>       |
| <b>Reg. Ent. Reference No.</b> | RN102454816  |                     |                 |   |
| <b>Media</b>                   | Petroleum Storage Tank   |                     |                 |   |
| <b>Enf. Coordinator</b>        | Alain Elegbe   |                     |                 |   |
| <b>Violation Number</b>        | 1  |                     |                 |   |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 334.602(a)   |                     |                 |   |
| <b>Violation Description</b>   | 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, the Facility did not have a Class A and Class B Operator. |                     |                 |   |
|                                |  | <b>Base Penalty</b> | \$25,000        |   |

**>> Environmental, Property and Human Health Matrix**

|           |                |             |          |       |                     |
|-----------|----------------|-------------|----------|-------|---------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                     |
|           | <b>Release</b> | Major       | Moderate | Minor |                     |
|           | Actual         |             |          |       | <b>Percent</b> 5.0% |
| Potential |                | x           |          |       |                     |

**>> Programmatic Matrix**

|  |               |       |          |       |                     |
|--|---------------|-------|----------|-------|---------------------|
|  | Falsification | Major | Moderate | Minor | <b>Percent</b> 0.0% |
|  |               |       |          |       |                     |

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events: 1      134 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   | x |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$1,250

One semi-annual event is recommended from the June 9, 2021 investigation date to the October 21, 2021 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** \$5      **Violation Final Penalty Total** \$1,500

**This violation Final Assessed Penalty (adjusted for limits)** \$1,500

# Economic Benefit Worksheet

**Respondent** SAVS Management Corporation  
**Case ID No.** 61491  
**Reg. Ent. Reference No.** RN102454816  
**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)              |   |            |             | 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              | \$90  | 9-Jun-2021 | 14-Aug-2022 | 1.18 | \$5 | n/a | \$5 |
| 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 |
| <b>Notes for DELAYED costs</b> | Estimated delayed cost to designate, train, and certify at least one named individual as Class A and Class B Operator for the Facility. The Date Required is the investigation date and the Final Date is the estimated date of compliance. |            |             |      |     |     |     |

### Avoided Costs

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

|                                |  |  |  |      |     |     |     |
|--------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment             |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs         |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)              |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| <b>Notes for AVOIDED costs</b> |  |  |  |      |     |     |     |

Approx. Cost of Compliance \$90

**TOTAL** \$5



**Screening Date** 21-Oct-2021 **Docket No.** 2021-1405-PST-E **PCW**  
**Respondent** SAVS Management Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61491 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102454816  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Alain Elegbe

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 334.54(e)(5)

**Violation Description**  
 Failed to empty the underground storage tank "UST" system and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements. Specifically, the Respondent did not perform a site check for the tanks at the Facility.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0.0%    |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               | x     |          |       | 10.0%   |

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

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 1 1267 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

**Violation Base Penalty** \$2,500

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** \$2,500

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$3,100 **Violation Final Penalty Total** \$3,000

**This violation Final Assessed Penalty (adjusted for limits)** \$3,000

## Economic Benefit Worksheet

**Respondent** SAVS Management Corporation  
**Case ID No.** 61491  
**Reg. Ent. Reference No.** RN102454816  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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)        | \$52,500 | 9-Jun-2021 | 14-Aug-2022 | 1.18 | \$3,100 | n/a | \$3,100 |

**Notes for DELAYED costs**

Estimated delayed cost to permanently remove two USTs from service with a combined capacity of 35,000 gallons at \$1.50 per gallon. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

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

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$52,500

**TOTAL**

\$3,100

**Screening Date** 21-Oct-2021 **Docket No.** 2021-1405-PST-E **PCW**  
**Respondent** SAVS Management Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61491 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102454816  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Alain Elegbe

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 334.54(b)(2) and (c)(1) and 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)  
**Violation Description** Failed to maintain all tank access points in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the riser caps were not secured with locks. Also, failed to monitor a temporarily out-of-service UST system in a manner which will detect a release at a frequency of at least once every 30 days.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 15.0%   |
| Potential | x     |          |       |         |

**>> Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0.0%    |

**Matrix Notes** Human health or the environment will or could be exposed to 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 1 134 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   | x |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$3,750

One semi-annual event is recommended from the June 9, 2021 investigation date to the October 21, 2021 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

|               | Before NOE/NOV | NOE/NOV to EDRP/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** \$0 **Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

## Economic Benefit Worksheet

**Respondent** SAVS Management Corporation  
**Case ID No.** 61491  
**Reg. Ent. Reference No.** RN102454816  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |   |  |  |      |     |     |     |
|--------------------------|---|--|--|------|-----|-----|-----|
| Equipment                |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Land                     |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Notes for DELAYED costs  | Delayed cost included in Violation No. 2. |  |  |      |     |     |     |

### 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 \$0

**TOTAL** \$0

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 CN603850041, RN102454816, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN603850041, SAVS Management Corporation  
**Classification:** SATISFACTORY **Rating:** 26.67

**Regulated Entity:** RN102454816, ONE STOP  
**Classification:** SATISFACTORY **Rating:** 26.67

**Complexity Points:** 3  
**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 14701 North Mopac Expressway, Austin, Travis County, Texas 78728-4204

**TCEQ Region:** REGION 11 - AUSTIN

## ID Number(s):

**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 66742  
**EDWARDS AQUIFER PERMIT** 11-93071901A  
**EDWARDS AQUIFER PERMIT** 11-93071901

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** December 02, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 02, 2016 to December 02, 2021

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

**Name:** Alain Elegbe

**Phone:** (512) 239-6924

## 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? Tetco, Inc. OWNER since 5/23/1995  
SAVS Management Corporation OWNER since 6/9/2021
- 4) Who was/were the prior owner(s)/operator(s)? Naap Investment Inc, OWNER OPERATOR, 9/1/2017 to 6/9/2021  
SAVS Management Corporation, OWNER OPERATOR, 3/15/2016 to 8/31/2017

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

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

- 1 Effective Date: 08/06/2019 ADMINORDER 2018-1194-PST-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)  
Description: failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days

### 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 SAVS  
MANAGEMENT CORPORATION  
RN102454816**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-1405-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 SAVS Management Corporation (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) a temporarily out-of-service underground storage tank ("UST") system located at 14701 North Mopac Expressway in Austin, Travis 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 \$9,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,200 of the penalty and \$1,800 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During an investigation conducted on June 9, 2021, an investigator documented that the Respondent:

1. Failed to designate, train, and certify at least one named individual for each class of operator - Class A and Class B, and Class C - for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a). Specifically, the Facility did not have a Class A and Class B Operator.
2. Failed to empty the UST system and perform a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements, in violation of 30 TEX. ADMIN. CODE § 334.54(e)(5). Specifically, the Respondent did not perform a site check for the tanks at the Facility.
3. 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 riser caps were not secured with locks.
4. Failed to monitor a temporarily out-of-service UST system in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.54(c)(1) and TEX. WATER CODE § 26.3475(c)(1).



### 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: SAVS Management Corporation, Docket No. 2021-1405-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Designate, train, and certify at least one named individual as Class A and Class B Operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602;
    - ii. Properly temporarily remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.54, which includes providing release detection for the UST system, locking and securing all tank access points, and ancillary equipment at the Facility, and either providing financial assurance, or emptying the USTs of all regulated substances and conducting a site check, in accordance with 30 TEX. ADMIN. CODE §§ 334.49, 334.50, and 334.54;
  - b. Within 90 days after the effective date of this Order, submit an amended registration to reflect the operational status of the UST system as temporarily removed from service, in accordance with 30 Tex. ADMIN. CODE § 334.7, to:

Registration and Reporting Section  
Petroleum Storage Tank Registration Program, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 105 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  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. In lieu of Ordering Provision Nos. 2.a and 2.b, within 195 days after the effective date of this Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55, which includes the following actions:
- i. Providing a Construction Notification to the TCEQ at least 30-days prior to any removal activities; and
  - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
    1. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
    2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
    3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any

contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and

4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
- iii. Within 225 days after the effective date of this Order, submit a completely and accurately filled out registration to reflect the current ownership information, UST system information, and operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7, to:
    - e. Within 255 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.d. The certification shall be signed by the Respondent and shall include the following certification language:

Petroleum Storage Tank Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

"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  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087


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.
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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
6/20/2023

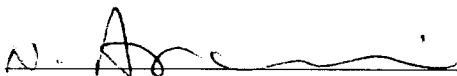
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
4/4/2022  
Date

\_\_\_\_\_  
SREENIVAS NEERUKONDA  
Name (Printed or typed)  
Authorized Representative of  
SAVS Management Corporation

\_\_\_\_\_  
DIRECTOR  
Title

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.