

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61638
Saleem Hassan dba One Stop Food Store 2
RN101557809
Docket No. 2021-1555-PST-E

Page 1 of 3

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location Where Violation Occurred:
617 South Belt Line Road, Irving, Dallas County

Type of Operation:
an out-of-service underground storage tank ("UST") system and a convenience store with retail sales of gasoline

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 20, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$8,979

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$8,979

Compliance History Classifications:
Person/CN - High
Site/RN - High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: October 19, 2021

Date of NOV: N/A

Date of NOE: November 19, 2021

Violation Information

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 [30 TEX. ADMIN. CODE § 334.602(a)].
2. Failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure the rectifier and other system components are operating properly [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(c)(2)(C)].
3. Failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(c)(4)(C)].
4. 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 underground storage tanks [30 TEX. ADMIN. CODE § 37.815(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

None

Technical Requirements:

1. Immediately cease accepting fuel at the Facility until such time as a valid delivery certificate is obtained from the TCEQ.
2. Within 10 days send the Facility's UST fuel delivery certificate to TCEQ.
3. Within 15 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2.
4. 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.
5. Within 15 days after obtaining a new fuel delivery certificate pursuant to Ordering Provision No. 1, submit written certification to demonstrate compliance with Technical Requirement No. 4.
6. Within 30 days designate, train, and certify a Class A and Class B Operator for the Facility.
7. In addition, within 30 days comply with either Technical Requirements Nos. 7.a., 7.b., and 7.c. or Technical Requirements Nos. 7.d. and 7.e.:
 - a. Obtain 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;
 - b. Begin conducting inspections of the corrosion protection system at least once every 60 days; and
 - c. Conduct the required triennial testing of the corrosion protection system; or
 - d. Properly temporarily remove the UST system from service, which includes emptying the USTs of all regulated substances; and
 - e. Conduct a site check and perform any necessary corrective actions.
8. In lieu of Technical Requirement No. 6 and 7, within 90 days permanently remove the UST system from service, which includes the following actions:
 - a. Providing a Construction Notification to the TCEQ at least 30 days prior to any removal activities;

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61638
Saleem Hassan dba One Stop Food Store 2
RN101557809
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- b. Employing a Licensed UST Contractor to perform all removal activities, including:
 - i. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
 - ii. 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
 - iii. 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.
 - c. Within 195 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.
9. Within 225 days submit written certification to demonstrate compliance with Technical Requirements 6 and 7, or 8.

Litigation Information

Dates Petitions Filed: March 18, 2024; March 26, 2024; April 29, 2024; August 19, 2024
Unclaimed; unclaimed; unclaimed; August 19, 2024 (hand delivered)
Dates of Service: N/A
Date Answer Filed:

Contact Information

TCEQ Attorneys: Jennifer Peltier, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Tiffany Chu, Enforcement Division, 817-588-5891
TCEQ Regional Contact: Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Saleem Hassan, 617 South Belt Line Road, Irving, Texas 75060-2112; Saleem Hassan, 2101 Brook Mount Court, Carrollton, Texas 75006-4764
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Nov-2021	Screening	29-Nov-2021	EPA Due	
	PCW	4-Oct-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Saleem Hassan dba One Stop Food Store 2
Reg. Ent. Ref. No.	RN101557809
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61638	No. of Violations	3
Docket No.	2021-1555-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Tiffany Chu
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$875
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,039
Estimated Cost of Compliance	\$53,821

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14.0%	Adjustment	\$1,104
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost associated with Violation No. 2. Recommended adjustment to offset High Performer reduction.
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Final Penalty Amount	\$8,979
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,979
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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.
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PAYABLE PENALTY	\$8,979
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Screening Date	29-Nov-2021	Docket No.	2021-1555-PST-E	PCW
Respondent	Saleem Hassan dba One Stop Food Store 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61638			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101557809			
Media	Petroleum Storage Tank			
Enf. Coordinator	Tiffany Chu			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	29-Nov-2021	Docket No.	2021-1555-PST-E	PCW
Respondent	Saleem Hassan dba One Stop Food Store 2	Policy Revision 5 (January 28, 2021)		
Case ID No.	61638	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101557809			
Media	Petroleum Storage Tank			
Enf. Coordinator	Tiffany Chu			
Violation Number	1			
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, the Facility did not have a Class A and Class B Operator.			
			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 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	41	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 October 19, 2021 investigation date to the November 29, 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

Estimated EB Amount	\$4	Statutory Limit Test	
		Violation Final Penalty Total	\$1,283
This violation Final Assessed Penalty (adjusted for limits)			\$1,283

Economic Benefit Worksheet

Respondent Saleem Hassan dba One Stop Food Store 2
Case ID No. 61638
Reg. Ent. Reference No. RN101557809
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	\$90	19-Oct-2021	18-Sep-2022	0.92	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to designate, train, and certify a Class A 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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$4

Screening Date 29-Nov-2021	Docket No. 2021-1555-PST-E	PCW
Respondent Saleem Hassan dba One Stop Food Store 2	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 61638	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN101557809		
Media Petroleum Storage Tank		
Enf. Coordinator Tiffany Chu		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 334.49(c)(2)(C) and (c)(4)(C) and Tex. Water Code § 26.3475(d)	
Violation Description	<p>Failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure the rectifier and other system components are operating properly. Specifically, the Respondent was not performing the 60-day inspections of the cathodic protection system. Also, failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, triennial testing of the cathodic protection system was not conducted.</p>	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 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		41	Number of violation days
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	daily			Violation Base Penalty \$3,750
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended from the October 19, 2021 investigation date to the November 29, 2021 screening date.

Good Faith Efforts to Comply Reduction \$0

	0.0%		
	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 \$2,806	Violation Final Penalty Total \$3,848
This violation Final Assessed Penalty (adjusted for limits) \$3,848	

Economic Benefit Worksheet

Respondent Saleem Hassan dba One Stop Food Store 2
Case ID No. 61638
Reg. Ent. Reference No. RN101557809
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$48,131	19-Oct-2021	18-Sep-2022	0.92	\$2,202	n/a	\$2,202

Notes for DELAYED costs

Estimated delayed cost to permanently remove four USTs from service with a combined capacity of 32,087 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	\$100	19-Oct-2021	29-Nov-2021	0.11	\$1	\$100	\$101
Other (as needed)	\$500	19-Oct-2021	29-Nov-2021	0.11	\$3	\$500	\$503

Notes for AVOIDED costs

Estimated avoided cost (\$100) to conduct inspection of the rectifier and other components of the corrosion protection system at least once every 60 days. The Date Required is the investigation date and the Final Date is the screening date. Estimated avoided cost (\$500) to conduct the triennial testing of the corrosion protection system. The Date Required is the investigation date and the Final Date is the screening date. □

Approx. Cost of Compliance

\$48,731

TOTAL

\$2,806

Screening Date 29-Nov-2021 Respondent Saleem Hassan dba One Stop Food Store 2 Case ID No. 61638 Reg. Ent. Reference No. RN101557809 Media Petroleum Storage Tank Enf. Coordinator Tiffany Chu	Docket No. 2021-1555-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
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 underground storage tanks ("USTs").	

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

OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="15.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="41"/>	Number of violation days
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daily	<input type="text"/>	
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

Violation Base Penalty	\$3,750
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One quarterly event is recommended from the October 19, 2021 investigation date to the November 29, 2021 screening date.
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Good Faith Efforts to Comply

0.0%	
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="x"/>
Notes	The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$229	Statutory Limit Test
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Violation Final Penalty Total	\$3,848
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This violation Final Assessed Penalty (adjusted for limits)	\$3,848
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Economic Benefit Worksheet

Respondent Saleem Hassan dba One Stop Food Store 2
Case ID No. 61638
Reg. Ent. Reference No. RN101557809
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Oct-2021	18-Sep-2022	0.92	\$229	n/a	\$229

Notes for DELAYED costs

Estimated delayed cost to conduct a site check and perform any necessary corrective actions. The Date Required is the investigation start 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

\$5,000

TOTAL

\$229

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 CN604095232, RN101557809, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604095232, Hassan, Saleem **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101557809, One Stop Food Store 2 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 617 S Belt Line Drive, Irving, Dallas County, Texas 75060-2112

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 27138

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

Date Compliance History Report Prepared: January 19, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 19, 2017 to January 19, 2022

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? NO

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
SALEEM HASSAN DBA ONE STOP FOOD
STORE 2;
RN101557809

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1555-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 the an administrative penalty, corrective action of the respondent, and revocation of the facility's delivery certificate. The respondent made the subject of this Order is Saleem Hassan dba One Stop Food Store 2 ("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, an out of service underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 617 South Belt Line Road in Irving, Dallas County, Texas (Facility ID No. 27138) (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 October 19, 2021, an investigator documented that Respondent:
 - a. 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. Failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure the rectifier and other system components are operating properly. Also failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, Respondent was not performing the 60-day inspections of the cathodic protection system and triennial testing of the cathodic protection system was not conducted; and
 - c. 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.
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 Saleem Hassan dba One Stop Food Store 2" (the "EDPRP") in the TCEQ Chief Clerk's office on March 18, 2024.
4. The EDPRP was mailed to Respondent's last known address on March 18, 2024, 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 March 26, 2024.
6. By letter dated March 26, 2024, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on April 29, 2024.
8. By letter dated April 29, 2024, 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. United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first-class mail has also been returned.
9. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on August 19, 2024.
10. On August 19, 2024, a copy of the EDPRP was hand delivered to Respondent, through the store manager, at the gas station.
11. 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 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).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure the rectifier and other system components are operating properly, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(c)(2)(C). Also, Respondent failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(c)(4)(C).
4. As evidenced by Finding of Fact No. 2.c., 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 underground storage tanks, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
5. As evidenced by Findings of Fact Nos. 9 and 10, 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(b)(2).
6. As evidenced by Finding of Fact No. 11, 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.
7. 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.

8. An administrative penalty in the amount of \$8,979 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. 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.
10. 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.
11. Good cause for revocation of the Facility's UST fuel delivery certificate exists as justified by Findings of Fact Nos. 2 and 9 through 11, and Conclusions of Law Nos. 2 through 6.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$8,979 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: Saleem Hassan dba One Stop Food Store 2; Docket No. 2021-1555-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.g., 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.g., below, to demonstrate compliance with Ordering Provision No. 7.a.
- c. Within 30 days after the effective date of this Order designate, train, and certify a Class A and Class B Operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602.
- d. In addition, within 30 days after the effective date of this Order comply with either Ordering Provision Nos. 7.d.i., 7.d.ii., and 7.d.iii. or Ordering Provision Nos. 7.d.iv. and 7.d.v.:
 - i. Obtain 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 accordance with 30 TEX. ADMIN. CODE § 37.815;
 - ii. Begin conducting inspections of the corrosion protection system at least once every 60 days, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - iii. Conduct the required triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49; or
 - iv. Properly temporarily remove the UST system from service, which includes emptying the USTs of all regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.54; and
 - v. Conduct a site check and perform any necessary corrective actions, in accordance with 30 TEX. ADMIN. CODE § 334.54.
- e. In lieu of Ordering Provision Nos. 7.c. and 7.d., within 90 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. 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
 - 3. 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 195 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:

Registration and Reporting Section
Permitting & Registration Support Division, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 225 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 7.c. and 7.d., or 7.e. The certification 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.”
- g. The written certification 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951
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 Enforcement Division 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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

AFFIDAVIT OF SERVICE

TCEQ Docket No. 2021-1555-PST-E

I hereby certify that on the 19th day of August 2024, at 11:27 a.m. the original of the foregoing "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 Saleem Hassan dba One Stop Food Store 2" ("EDPRP") was served in person to:

Mr. Peter Patel, store manager
One Stop Food Store 2
617 South Belt Line Road
Irving, Texas 75060

The EDPRP was served by Michael Pace at the following address:

617 South Belt Line Road
Irving, Texas 75060

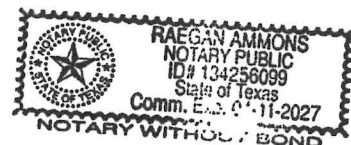
My name is Michael Pace, my date of birth is October 8, 1975, and my address is 2309 Gravel Drive, Fort Worth, Texas, 76118.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 5 day of Sept, 2024.



(Declarant)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JENNIFER PELTIER

"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 Saleem Hassan dba One Stop Food Store 2' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 18, 2024.

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On August 19, 2024, a copy of the EDPRP was hand delivered to Respondent, through the store manager, at the gas station.

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 Jennifer Peltier, 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 _____ 28th _____ day of _____ May _____ 2024

A handwritten signature in cursive script, appearing to read "J Peltier", written over a horizontal line.

Declarant