

**Order Type:**  
Default Order

**Media:**  
PST

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
112 Highway 39 South, Normangee, Leon County

**Type of Operation:**  
temporarily-out-of-service underground storage tank ("UST") system

**Other Significant Matters:**  
Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** October 13, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$8,497

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

**Total Due to General Revenue:** \$8,497

**Compliance History Classifications:**  
Person/CN - Unclassified  
Site/RN - Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

**Date(s) of Investigation:** April 20, 2021; August 2, 2021; November 15, 2021

**Date(s) of NOV(s):** May 4, 2021

**Date(s) of NOE(s):** November 23, 2021

**Sodolaks Properties, LLC**  
RN104072798  
Docket No. 2022-0278-PST-E

**Violation Information**

1. Failed to maintain financial assurance for a temporarily out-of-service UST system, or to properly empty the UST system and conduct a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements [30 TEX. ADMIN. CODE §§ 37.815, 37.867(a) and 334.54(e)(5)].
2. Failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure that 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) and 334.54(b)(3)].
3. Failed to test the corrosion protection system for operability and adequacy of protection at least once every three years [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3)].
4. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3)].
5. Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility [30 TEX. ADMIN. CODE § 334.602(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Respondent removed the UST system from the ground on October 27, 2022, and submitted a closure report and registration to TCEQ on November 18, 2022.

**Technical Requirements:**

Within 180 days permanently remove the UST system from service, which includes employing a Licensed UST Contractor to perform all removal activities and comply with all applicable corrective action requirements.

**Litigation Information**

**Date Petition(s) Filed:** August 30, 2022; November 10, 2022  
**Date(s) of Service:** unclaimed; unclaimed  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** William Hogan, 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:** Karolyn Kent, Enforcement Division, (512) 239-2536  
**TCEQ Regional Contact:** Jason Neumann, Waco Regional Office, (254) 751-0335  
**Respondent Contact:** Steven Sodolak, Member, Sodolaks Properties, LLC, 15253 Highway 21 West,  
North Zulch, Texas 77872-7075  
**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> | 5-Jan-2022  |                  |             |                |
|              | <b>PCW</b>      | 29-Jul-2022 | <b>Screening</b> | 14-Jan-2022 | <b>EPA Due</b> |

|  |                          |                           |       |  |  |
|--|--------------------------|---------------------------|-------|--|--|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                          |                           |       |  |  |
| <b>Respondent</b>                      | Sodolaks Properties, LLC |                           |       |  |  |
| <b>Reg. Ent. Ref. No.</b>              | RN104072798              |                           |       |  |  |
| <b>Facility/Site Region</b>            | 9-Waco                   | <b>Major/Minor Source</b> | Minor |  |  |

|                                |                        |                              |                    |          |  |
|--------------------------------|------------------------|------------------------------|--------------------|----------|--|
| <b>CASE INFORMATION</b>        |                        |                              |                    |          |  |
| <b>Enf./Case ID No.</b>        | 61803                  | <b>No. of Violations</b>     | 3                  |          |  |
| <b>Docket No.</b>              | 2022-0278-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>      | Karolyn Kent       |          |  |
|                                |                        | <b>EC's Team</b>             | Enforcement Team 6 |          |  |
| <b>Admin. Penalty \$ Limit</b> | <b>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> | 5.0% Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | \$375 |
|---------------------------|-----------------|--------------------------------|-------|

|              |   |
|--------------|---|
| <b>Notes</b> | Enhancement for one NOV with same/similar violations. |
|--------------|---|

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <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             | \$1,065 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$6,330 |                                   |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$7,875 |
|-----------------------------|-----------------------|---------|

|   |      |                   |       |
|---|------|-------------------|-------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 7.9% | <b>Adjustment</b> | \$622 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Enhancement to capture the avoided cost of compliance associated with Violation No. 1. |
|--------------|--|

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$8,497 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$8,497 |
|-----------------------------------|-------------------------------|---------|

|                 |      |           |                   |     |
|-----------------|------|-----------|-------------------|-----|
| <b>DEFERRAL</b> | 0.0% | Reduction | <b>Adjustment</b> | \$0 |
|-----------------|------|-----------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Deferral not offered for non-expedited settlement. |
|--------------|--|

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$8,497 |
|------------------------|---------|

Screening Date 14-Jan-2022

Docket No. 2022-0278-PST-E

PCW

Respondent Sodolaks Properties, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61803

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104072798

Media Petroleum Storage Tank

Enf. Coordinator Karolyn Kent

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 1      | 5%      |
|                               | Other written NOVs   | 0      | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 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)** 5%

#### >> Repeat Violator (Subtotal 3)

No

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

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

Unclassified

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

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 5%

**Screening Date** 14-Jan-2022  
**Respondent** Sodolaks Properties, LLC  
**Case ID No.** 61803  
**Reg. Ent. Reference No.** RN104072798  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Karolyn Kent

**Docket No.** 2022-0278-PST-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 334.54(e)(5), 37.867(a), and 37.815, and 334.49(c)(2)(C) and (c)(4)(C) and 334.54(b)(3) and Tex. Water Code § 26.3475(d)

**Violation Description**

Failed to maintain financial assurance for a temporarily out-of-service underground storage tank ("UST") system, or to properly empty the UST system and conduct a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements. Also, failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Additionally, failed to test the corrosion protection system for operability and adequacy of protection at least once every three years.

**Base Penalty** \$25,000

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

| OR | 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 60 Number of violation days

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

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

One quarterly event is recommended from the November 15, 2021 record review date to the January 14, 2022 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |  |
|---------------|---|--|
| Extraordinary |   |  |
| Ordinary      |   |  |
| N/A           | X |  |

Notes The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,052

**Violation Final Penalty Total** \$4,249

**This violation Final Assessed Penalty (adjusted for limits)** \$4,249

## Economic Benefit Worksheet

**Respondent** Sodolaks Properties, LLC  
**Case ID No.** 61803  
**Reg. Ent. Reference No.** RN104072798  
**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        | \$100   | 20-Apr-2021 | 1-Nov-2022 | 1.53 | \$8   | n/a | \$8   |
| Remediation/Disposal     |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Financial Assurance      | \$5,000 | 20-Apr-2021 | 1-Nov-2022 | 1.53 | \$384 | n/a | \$384 |
| Other (as needed)        | \$500   | 20-Apr-2021 | 1-Nov-2022 | 1.53 | \$38  | n/a | \$38  |

**Notes for DELAYED costs**

Estimated delayed cost to conduct the triennial corrosion protection test (\$500), to begin inspecting the rectifier and other components of the corrosion protection system at least once every 60 days (\$100), and to properly empty the UST system and conduct a site check and perform any necessary corrective actions (\$5,000). The Dates Required are the initial investigation date, and the Final Dates are the estimated date of compliance.

### Avoided Costs

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

|                               |       |             |             |      |      |       |       |
|-------------------------------|-------|-------------|-------------|------|------|-------|-------|
| Disposal                      |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Personnel                     |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Supplies/Equipment            |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Financial Assurance           |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| ONE-TIME avoided costs        | \$500 | 20-Apr-2021 | 14-Jan-2022 | 0.74 | \$18 | \$500 | \$518 |
| Other (as needed)             | \$100 | 20-Apr-2021 | 14-Jan-2022 | 0.74 | \$4  | \$100 | \$104 |

**Notes for AVOIDED costs**

Estimated avoided cost to conduct the triennial corrosion protection test (\$500), and to conduct 60-day inspections of the rectifier and other components of the corrosion protection system (\$100). The Dates Required are the initial investigation date, and the Final Dates are the screening date.

Approx. Cost of Compliance \$6,200

**TOTAL** \$1,052

**Screening Date** 14-Jan-2022 **Docket No.** 2022-0278-PST-E **PCW**  
**Respondent** Sodolaks Properties, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61803 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN104072798  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Karolyn Kent

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.7(d)(1)(A) and (d)(3)  
**Violation Description** Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership information of the UST system at the Facility.

**Base Penalty** \$25,000

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

| 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 60 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 EDRP/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** \$6 **Violation Final Penalty Total** \$2,832

**This violation Final Assessed Penalty (adjusted for limits)** \$2,832

## Economic Benefit Worksheet

**Respondent** Sodolaks Properties, LLC  
**Case ID No.** 61803  
**Reg. Ent. Reference No.** RN104072798  
**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             | \$40 | 18-Sep-2019 | 1-Nov-2022 | 3.12 | \$6 | n/a | \$6 |
| Other (as needed)        |      |             |            | 0.00 | \$0 | n/a | \$0 |

#### Notes for DELAYED costs

Estimated delayed cost to submit an amended UST registration to the TCEQ to indicate the current ownership information of the UST system at the Facility. The Date Required is the ownership change 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

\$40

**TOTAL**

\$6



**Screening Date** 14-Jan-2022 **Docket No.** 2022-0278-PST-E **PCW**  
**Respondent** Sodolaks Properties, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61803 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN104072798  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Karolyn Kent

**Violation Number** 3

**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   |          |       | Percent |
|-----------|---------|--------|----------|-------|---------|
|           |         | Major  | Moderate | Minor |         |
|           |         | Actual |          |       |         |
| Potential |         | X      |          |       |         |

**>> Programmatic Matrix**

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

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 60 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 November 15, 2021 record review date to the January 14, 2022 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** \$1,250

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

**Estimated EB Amount** \$7 **Violation Final Penalty Total** \$1,416

**This violation Final Assessed Penalty (adjusted for limits)** \$1,416

## Economic Benefit Worksheet

**Respondent** Sodolaks Properties, LLC  
**Case ID No.** 61803  
**Reg. Ent. Reference No.** RN104072798  
**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        | \$90 | 20-Apr-2021 | 1-Nov-2022 | 1.53 | \$7 | n/a | \$7 |
| 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 initial investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

**TOTAL**

\$7

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 CN605873264, RN104072798, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605873264, Sodolaks Properties, LLC **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN104072798, Jo's Deli & Snacks **Classification:** UNCLASSIFIED **Rating:** -----

**Complexity Points:** 2 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 112 Highway 39 South, Normangee, Leon County, Texas 77871-6000

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 31953 **LEAKING PETROLEUM STORAGE TANKS REMEDIATION** ID NUMBER 120524  
**PETROLEUM STORAGE TANK NON REGISTERED ID** NUMBER R09104072798

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

**Date Compliance History Report Prepared:** January 14, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 14, 2017 to January 14, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Karolyn Kent **Phone:** (512) 239-2536

## 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? Sodolaks Properties, LLC, OWNER since 9/18/2019
- 4) Who was/were the prior owner(s)/operator(s)? Charlotte J. Hall, OWNER OPERATOR, 3/3/2013 to 9/17/2019

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1 August 23, 2018 (1511852)

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/04/2021 (1707405)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 334, SubChapter C 334.54(e)(5)(B)  
Description: Failure to maintain financial assurance for underground storage tanks (UST's) that have temporarily been removed from service without a site check.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)  
 Description: Failure to amend, update, or change registration as required by the TCEQ.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)  
 Description: Failure to test the cathodic protection system at least once every three years.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(2)(C)  
 Description: Failure to conduct the 60-day inspection of the corrosion protection rectifier.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)  
 Description: Failure to provide records immediately upon request of agency personnel.

**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

**Component Appendices**

**Appendix A**

**All NOVs Issued During Component Period 1/14/2017 and 1/14/2022**

1\* Date: 05/04/2021 (1707405) Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
 Citation: 30 TAC Chapter 334, SubChapter C 334.54(e)(5)(B)  
 Description: Failure to maintain financial assurance for underground storage tanks (UST's) that have temporarily been removed from service without a site check.  
 Classification: Minor

Self Report? NO **For Informational Purposes Only**  
 Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)  
 Description: Failure to amend, update, or change registration as required by the TCEQ.  
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
 Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)  
 Description: Failure to test the cathodic protection system at least once every three years.  
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
 Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(2)(C)  
 Description: Failure to conduct the 60-day inspection of the corrosion protection rectifier.  
 Classification: Minor

Self Report? NO **For Informational Purposes Only**  
 Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)  
 Description: Failure to provide records immediately upon request of agency personnel.

\* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SODOLAKS PROPERTIES, LLC;  
RN104072798

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2022-0278-PST-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Sodolaks Properties, LLC ("Respondent").

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

### FINDINGS OF FACT

1. Respondent owned, as defined in 30 TEX. ADMIN. CODE § 334.2(78), a temporarily out-of-service underground storage tank ("UST") system located at 112 Highway 39 South in Normangee, Leon County, Texas (Facility ID No. 31953) (the "Facility"). The UST system at the Facility was 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. During an investigation conducted on and around April 20, 2021, and record reviews conducted on August 2, 2021, and November 15, 2021, an investigator documented that Respondent:
  - a. Failed to maintain financial assurance for a temporarily out-of-service UST system, or to properly empty the UST system and conduct a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements;
  - b. Failed to inspect the impressed current corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly;
  - c. Failed to test the corrosion protection system for operability and adequacy of protection at least once every three years;
  - d. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership information of the UST system at the Facility; and
  - e. 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.
3. The Executive Director recognizes that Respondent removed the UST system from the ground on October 27, 2022, and submitted a closure report and registration to TCEQ on November 18, 2022.

4. 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 Sodolaks Properties, LLC” (the “EDPRP”) in the TCEQ Chief Clerk’s office on August 30, 2022.
5. The EDPRP was mailed to Respondent’s last known address on August 30, 2022, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on November 10, 2022.
7. By letter dated November 10, 2022, sent to Respondent’s last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP.
8. 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 maintain financial assurance for a temporarily out-of-service UST system, or to properly empty the UST system and conduct 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 §§ 37.815, 37.867(a), and 334.54(e)(5).
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 that 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) and 334.54(b)(3).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to test the corrosion protection system for operability and adequacy of protection 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) and 334.54(b)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to designate, train, and certify at least one named individual for each class of operator – Class A, Class B, and Class C – for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a).
7. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
8. As evidenced by Finding of Fact No. 8, 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.

9. 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.
10. An administrative penalty in the amount of eight thousand four hundred ninety-seven dollars (\$8,497.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. 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.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of eight thousand four hundred ninety-seven dollars (\$8,497.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Sodolaks Properties, LLC; Docket No. 2022-0278-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. Respondent shall undertake the following technical requirements:
  - a. Within 180 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 employing a Licensed UST Contractor to perform all removal activities and comply with all applicable corrective action requirements.
4. All relief not expressly granted in this Order is denied.
5. 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.
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 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 following address:

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

7. 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.
8. 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.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF WILLIAM K. HOGAN

"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 Sodolaks Properties, LLC' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 30, 2022.

The EDPRP was mailed to Respondent's last known address on August 30, 2022, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on November 10, 2022.

The EDPRP was mailed to Respondent's last known address on November 10, 2022, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is William K. Hogan, 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 25th day of September, 2023

A handwritten signature in black ink that reads "William K. Hogan".

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Declarant