

**Executive Summary – Enforcement Matter – Case No. 62717
Tri-Speed Investment Inc
RN101671733
Docket No. 2022-0953-PST-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Vecant Building, 187 South McLennan Drive, Elm Mott, McLennan County

Type of Operation:

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

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,458

Amount Deferred for Expedited Settlement: \$2,091

Total Paid to General Revenue: \$8,367

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 16, 2021

Date(s) of NOE(s): June 28, 2022

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Tri-Speed Investment Inc
RN101671733
Docket No. 2022-0953-PST-E

Violation Information

1. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current operational status of the UST system at the Facility [30 TEX. ADMIN. CODE § 334.7(d)(1)(B) and (d)(3)].
2. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system [30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3) and TEX. WATER CODE § 26.3475(d)].
3. Failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly [30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C) and 334.54(b)(3) and TEX. WATER CODE § 26.3475(d)].
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 USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].
5. Failed to maintain required operator training certification on-site and make it available for inspection upon request by agency personnel. Specifically, documentation for Class A and Class B operator training certification were not available for review at the time of the investigation [30 TEX. ADMIN. CODE § 334.606].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin conducting 60-day inspections of the rectifier and other components of the corrosion protection system;
 - ii. Conduct the required triennial testing of the corrosion protection system;

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- iii. Begin maintaining documentation for the Class A and Class B operator training certification on-site at the Facility; and
 - iv. Submit a completely and accurately filled out registration to reflect the operational status of the UST system as temporarily out-of-service
- b. In addition, within 30 days, comply with either b.i. or b.ii. and b.iii.:
- i. Obtain financial assurance for the USTs; or
 - ii. Empty the USTs of all regulated substances; and
 - iii. Conduct a site check and perform any necessary corrective actions.
- c. In lieu of a. and b., within 180 days, permanently remove the UST system from service 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 UST in-place or conducting a permanent change-in-service;
 - 2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
 - 3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
 - 4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.
- iv. Submitting a completely and accurately filled out registration to reflect the current operational status of the UST system as permanently removed from service.
- d. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision Nos. a. and b., or c.

**Executive Summary – Enforcement Matter – Case No. 62717
Tri-Speed Investment Inc
RN101671733
Docket No. 2022-0953-PST-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Eunice Adegelu, Enforcement Division, Enforcement Team 3, MC R-12, (512) 239-5082; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Akram Alzoubi, President, Tri-Speed Investment Inc, PO BOX 270077, Dallas, Texas 75227-0077

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jul-2022	Screening	3-Aug-2022	EPA Due	
	PCW	12-Dec-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Tri-Speed Investment Inc
Reg. Ent. Ref. No.	RN101671733
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62717	No. of Violations	3
Docket No.	2022-0953-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eunice Adegelu
		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	\$3,059	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,806	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	32.8% Adjustment	\$2,583
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 2.
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Final Penalty Amount	\$10,458
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,458
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DEFERRAL	20.0% Reduction Adjustment	-\$2,091
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$8,367
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Screening Date 3-Aug-2022

Docket No. 2022-0953-PST-E

PCW

Respondent Tri-Speed Investment Inc

Policy Revision 5 (January 28, 2021)

Case ID No. 62717

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101671733

Media Petroleum Storage Tank

Enf. Coordinator Eunice Adegelu

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 3-Aug-2022

Docket No. 2022-0953-PST-E

PCW

Respondent Tri-Speed Investment Inc

Policy Revision 5 (January 28, 2021)

Case ID No. 62717

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101671733

Media Petroleum Storage Tank

Enf. Coordinator Eunice Adegelu

Violation Number 1

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

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10.0%).

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 55

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with X).

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, rows: Extraordinary, Ordinary, N/A (marked with 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 \$2,988

This violation Final Assessed Penalty (adjusted for limits) \$2,988

Economic Benefit Worksheet

Respondent Tri-Speed Investment Inc
Case ID No. 62717
Reg. Ent. Reference No. RN101671733
Media Violation No. Petroleum Storage Tank
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	16-Nov-2021	25-Sep-2024	2.86	\$6	n/a	\$6

Notes for DELAYED costs
 Estimated delayed cost to submit an amended registration form to reflect the current operational status of the USTs at the Facility. The Date Required is the initial investigation date and the Final Date is the estimated compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$40

TOTAL \$6

Screening Date 3-Aug-2022 **Docket No.** 2022-0953-PST-E **PCW**
Respondent Tri-Speed Investment Inc *Policy Revision 5 (January 28, 2021)*
Case ID No. 62717 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101671733
Media Petroleum Storage Tank
Enf. Coordinator Eunice Adegelu

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 334.49(c)(4)(C) and (c)(2)(C) and 334.54(b)(3) and 37.815(a) and (b) and Tex. Water Code § 26.3475(d)
Violation Description Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system. Also, failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Also, failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 55 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 June 9, 2022 record review date to the August 3, 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 \$3,750

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

Estimated EB Amount \$3,047 **Violation Final Penalty Total** \$4,482

This violation Final Assessed Penalty (adjusted for limits) \$4,482

Economic Benefit Worksheet

Respondent Tri-Speed Investment Inc
Case ID No. 62717
Reg. Ent. Reference No. RN101671733
Media Violation No. Petroleum Storage Tank
 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	\$100	16-Nov-2021	25-Sep-2024	2.86	\$14	n/a	\$14
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,640	16-Nov-2021	25-Sep-2024	2.86	\$378	n/a	\$378
Other (as needed)	\$500	16-Nov-2021	25-Sep-2024	2.86	\$72	n/a	\$72

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the corrosion protection system (\$500), to conduct 60-day inspections of the rectifier and other components of the corrosion protection system (\$100), and to provide financial assurance for four USTs (2,640, \$660 per UST). 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	\$2,640	16-Nov-2021	3-Aug-2022	0.71	\$80	\$1,881	\$1,961
ONE-TIME avoided costs	\$500	16-Nov-2021	3-Aug-2022	0.71	\$18	\$500	\$518
Other (as needed)	\$100	16-Nov-2021	3-Aug-2022	0.71	\$4	\$100	\$104

Notes for AVOIDED costs

Estimated avoided cost to conduct the triennial corrosion protection test (\$500), to conduct 60-day inspections of the rectifier and other components of the corrosion protection system (\$100), and to provide financial assurance for four USTs (2,640, \$660 per UST). The Dates Required are the initial investigation date, and the Final Dates are the screening date.

Approx. Cost of Compliance \$5,721

TOTAL \$3,047

Screening Date 3-Aug-2022 **Docket No.** 2022-0953-PST-E **PCW**
Respondent Tri-Speed Investment Inc *Policy Revision 5 (January 28, 2021)*
Case ID No. 62717 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101671733
Media Petroleum Storage Tank
Enf. Coordinator Eunice Adegelu

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 334.606
Violation Description Failed to maintain required operator training certification on-site and make it available for inspection upon request by agency personnel. Specifically, documentation for Class A and Class B operator training certification were not available for review at the time of the investigation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 55 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,500

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$2,988

This violation Final Assessed Penalty (adjusted for limits) \$2,988

Economic Benefit Worksheet

Respondent Tri-Speed Investment Inc
Case ID No. 62717
Reg. Ent. Reference No. RN101671733
Media Violation No. Petroleum Storage Tank
 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	\$45	16-Nov-2021	25-Sep-2024	2.86	\$6	n/a	\$6
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 maintain Class A and Class B operator training certification records on-site at 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 \$45

TOTAL \$6



Compliance History Report

Compliance History Report for CN603511668, RN101671733, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603511668, Tri-Speed Investment Inc	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101671733, Vecant Building	Classification: HIGH	Rating: 0.00
Complexity Points:	3	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	187 SOUTH MCLENNAN DRIVE ELM MOTT, MCLENNAN COUNTY, TEXAS 76640-3746		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):			
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 45742	PETROLEUM STORAGE TANK NON REGISTERED ID NUMBER R09101671733		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023
		Rating Date:	09/01/2023
Date Compliance History Report Prepared:	April 01, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 01, 2019 to April 01, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Eunice Adegelu	Phone:	(512) 239-5082

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? Tri-Speed Investment Inc OWNER OPERATOR since 3/15/2021
- 4) Who was/were the prior owner(s)/operator(s)? D & S Service Company, OWNER OPERATOR, 3/4/1988 to 3/14/2021

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
TRI-SPEED INVESTMENT INC
RN101671733

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0953-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Tri-Speed Investment Inc (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns, as defined in 30 TEX. ADMIN. CODE § 334.2(78), a temporarily-out-of-service underground storage tank ("UST") system located at 187 South McLennan Drive in Elm Mott, McLennan County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,458 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,367 of the penalty and \$2,091 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order.

There is a payment plan option for the Respondent to first make a payment of \$247 and the remaining amount of \$8,120 of the undeferred penalty shall be paid in 35 monthly payments of \$232 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

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

II. ALLEGATIONS

During an investigation at the Facility conducted on November 16, 2021, and a record review for the Facility conducted on June 9, 2022, an investigator documented that the Respondent:

1. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(B) and (d)(3). Specifically, the registration was not updated to reflect the current operational status of the UST system at the Facility.
2. Failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE §§ 334.49(c)(4)(C) and 334.54(b)(3) and TEX. WATER CODE § 26.3475(d). Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system.
3. Failed to inspect the corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, in violation of 30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C) and 334.54(b)(3) and TEX. WATER CODE § 26.3475(d).
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 USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).

5. Failed to maintain required operator training certification on-site and make it available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.606. Specifically, documentation for Class A and Class B operator training certification were not available for review at the time of the investigation.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tri-Speed Investment Inc, Docket No. 2022-0953-PST-E" to:

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

2. The Respondent shall undertake the following technical requirements (Ordering Provision Nos. 2.a and 2.b, or 2.c.) and certify compliance as described in Ordering Provision No. 2.d:
 - a. Within 30 days after the effective date of this Order,
 - i. Begin conducting 60-day inspections of the rectifier and other components of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE §§ 334.49 and 334.54;
 - ii. Conduct the required triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE §§ 334.49 and 334.54;
 - iii. Begin maintaining documentation for the Class A and Class B operator training certification on-site at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.606; and

- iv. Submit a completely and accurately filled out registration to reflect the operational status of the UST system as temporarily out-of-service, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Section
Permitting & Registration Support Division, MC138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. In addition, within 30 days after the effective date of this Order, comply with either Ordering Provision No. 2.b.i or Ordering Provision Nos. 2.b.ii and 2.b.iii:
 - i. Obtain financial assurance for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 37.815; or
 - ii. Empty the USTs of all regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.54; and
 - iii. Conduct a site check and perform any necessary corrective actions, in accordance with 30 TEX. ADMIN. CODE § 334.54.
- c. In lieu of Ordering Provision Nos. 2.a and 2.b, 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 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 UST in-place, or conducting a permanent change-in-service;
 2. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
 3. Handling, transporting, and properly disposing of the empty USTs, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility; and
 4. Determining whether or not there has been a release of regulated substance from the UST system, performance of a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and compliance with all applicable corrective action requirements.

- iii. Submitting a completely and accurately filled out registration to reflect the current operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7, to the address listed in Ordering Provision No. 2.a.iv.

- d. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b, or 2.c. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the

terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/16/2024


Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7/8/2024

Date

Akvam Alzoubi

Name (Printed or typed)
Authorized Representative of
Tri-Speed Investment Inc

President

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.