

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 63743
Daniel Solis dba Danny's Tire & Services
RN102359064
Docket No. 2023-0365-PST-E

Page 1 of 3

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location Where Violations Occurred:
217 East 9th Street, Mission, Hidalgo County

Type of Operation:
a temporarily out-of-service underground storage tank ("UST") system and an automotive maintenance facility

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: May 30, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,959

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$5,959

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(s): N/A

Dates of Investigations: October 18, 2022 through October 27, 2022

Date(s) of NOV(s): N/A

Date of NOE: January 3, 2023

Daniel Solis dba Danny's Tire & Services

RN102359064

Docket No. 2023-0365-PST-E

Violation Information

1. 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)].
2. Failed to have the corrosion protection system inspected and tested 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) and 334.54(b)(3)].
3. Failed to provide a release detection method capable of detecting any release from a temporarily out-of-service UST system that has not been emptied of all regulated substances [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.54(c)(1)].
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 or empty the UST system no later than 90 days after insurance coverage or other financial assurance had terminated [30 TEX. ADMIN. CODE §§ 37.815(a) and (b) and 37.867(a)].
5. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner [30 TEX. ADMIN. CODE § 334.54(b)(2)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 30 days properly temporarily remove the UST system from service, which includes:
 - a. Designating, training, and certifying at least one named individual as Class A and Class B operator for the Facility;
 - b. Conducting the triennial testing of the corrosion protection system;
 - c. Maintaining all piping, pumps, manways, tank access points, and ancillary equipment, including the fill caps to the fill pipe, in a capped, plugged, locked, or otherwise secured manner; and
 - d. Either:
 - i. Emptying the Facility UST system of regulated substance and performing a site check and any necessary corrective actions; or
 - ii. Completing both of the following:
 - A. Obtaining financial assurance for the UST system; and
 - B. Implementing a release detection method for the USTs in a manner that will detect a release at a frequency of at least once every 30 days.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. In lieu of Technical Requirement Nos. 1 and 2, within 180 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;
 - 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. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;

Daniel Solis dba Danny's Tire & Services

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- iii. 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;
 - iv. Determining whether there has been a release of regulated substance from the UST system, performing a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and complying with all applicable corrective action requirements; and
 - c. Submitting a completely and accurately filled-out registration to reflect the operational status of the UST system as permanently removed from service.
4. Unless Respondent complies with Technical Requirement Nos. 1 and 2, within 195 days submit written certification to demonstrate compliance with Technical Requirement No. 3.

Litigation Information**Date Petition Filed:** December 12, 2024**Date of Service:** December 16, 2024**Contact Information****TCEQ Attorneys:** Jun Zhang, 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:** Ramyia Wendt, Enforcement Division, (512) 239-2513**TCEQ Regional Contact:** Monica Galvan, Harlingen Regional Office, (956) 425-6010**Respondent Contact:** Daniel Solis, 217 East 9th Street, Mission, Texas 78572-4158**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	19-Dec-2022	Screening	27-Dec-2022	EPA Due	
	PCW	16-May-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Daniel Solis dba Danny's Tire & Services				
Reg. Ent. Ref. No.	RN102359064				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	63743	No. of Violations	2
Docket No.	2023-0365-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Fishbeck
		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	\$5,000
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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	-\$500
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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	\$7,351	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$30,963	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	32.4%	Adjustment	\$1,459
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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 (\$959) and recommended adjustment to offset to offset High Performer reduction (\$500).			
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Final Penalty Amount	\$5,959
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,959
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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	\$5,959
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Screening Date	27-Dec-2022	Docket No.	2023-0365-PST-E	PCW
Respondent	Daniel Solis dba Danny's Tire & Services			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63743			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102359064			
Media	Petroleum Storage Tank			
Enf. Coordinator	Danielle Fishbeck			

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 27-Dec-2022 Respondent Daniel Solis dba Danny's Tire & Services Case ID No. 63743 Reg. Ent. Reference No. RN102359064 Media Petroleum Storage Tank Enf. Coordinator Danielle Fishbeck	Docket No. 2023-0365-PST-E <div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.602(a)</div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1	Rule Cite(s)	
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 Respondent had not designated, trained, and certified a Class A and Class B operator for the Facility.		

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		

	Percent
	5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

	Percent
	0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	70	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$1,250
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One quarterly event is recommended from the October 18, 2022 investigation date to the December 27, 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.
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Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$0

	Violation Final Penalty Total
	\$1,490

This violation Final Assessed Penalty (adjusted for limits)	\$1,490
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Economic Benefit Worksheet

Respondent Daniel Solis dba Danny's Tire & Services
Case ID No. 63743
Reg. Ent. Reference No. RN102359064
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 2.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date	27-Dec-2022	Docket No.	2023-0365-PST-E	PCW
Respondent	Daniel Solis dba Danny's Tire & Services			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63743			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102359064			
Media	Petroleum Storage Tank			
Enf. Coordinator	Danielle Fishbeck			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 334.54(b)(3) and 334.49(c)(4)(C), 334.54(c)(1) and 334.50(b)(1)(A), 37.815(a) and (b) and 37.867(a), and 334.54(b)(2) and Tex. Water Code § 26.3475(c)(1) and (d)			
Violation Description	<p>Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Also, failed to provide a release detection method capable of detecting any release from a temporarily out-of-service underground storage tank ("UST") system that has not been emptied of all regulated substances. Additionally, 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 operating of petroleum USTs or empty the UST system no later than 90 days after the insurance coverage or other financial assurance had terminated. Furthermore, failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner.</p> <p>Specifically, the fill caps to the fill pipe were not locked.</p>			
	Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
Potential	x			Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
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	70	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$3,750
	semiannual			
	annual			
	single event			
	One quarterly event is recommended from the October 18, 2022 investigation date to the December 27, 2022 screening date.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
	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	\$7,351	Violation Final Penalty Total	\$4,469
	This violation Final Assessed Penalty (adjusted for limits)			\$4,469

Economic Benefit Worksheet

Respondent Daniel Solis dba Danny's Tire & Services
Case ID No. 63743
Reg. Ent. Reference No. RN102359064
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)	\$30,083	12-May-2020	10-Aug-2024	4.25	\$6,392	n/a	\$6,392

Notes for DELAYED costs

Estimated delayed cost to permanently remove three USTs from service with a combined capacity of 20,055 gallons at \$1.50 per gallon. 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	\$1,980	18-Oct-2022	27-Dec-2022	0.19	\$11	\$380	\$391
ONE-TIME avoided costs	\$500	12-May-2020	27-Dec-2022	2.63	\$68	\$500	\$568
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for three petroleum USTs (\$1,980, \$660 per UST). The Date Required is the investigation date and the Final Date is the screening date. Estimated avoided cost to conduct the triennial testing of the corrosion protection system (\$500). The Date Required is the investigation date initially documenting the violation and the Final date is the screening date.

Approx. Cost of Compliance

\$30,963

TOTAL

\$7,351



Compliance History Report

Compliance History Report for CN605781509, RN102359064, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605781509, SOLIS, DANIEL	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102359064, Danny's Tire & Services	Classification: HIGH	Rating: 0.00
Complexity Points:	3	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	217 East 9th Street, Mission, Hidalgo County, Texas 78572-4158		
TCEQ Region:	REGION 15 - HARLINGEN		

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 18464

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: March 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 01, 2019 to March 01, 2024

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

Name: Danielle Fishbeck

Phone: (512) 239-5083

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? Solis, Daniel OWNER since 5/12/2020
- 4) Who was/were the prior owner(s)/operator(s)? SOLIS, JAVIER, OWNER OPERATOR, 12/14/2009 to 5/11/2020

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
DANIEL SOLIS
DBA DANNY'S TIRE & SERVICES;
RN102359064

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2023-0365-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 Daniel Solis dba Danny's Tire & Services ("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, a temporarily out-of-service underground storage tank ("UST") system and an automotive maintenance facility located at 217 East 9th Street in Mission, Hidalgo County, Texas (Facility ID No. 18464) (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 it contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on and around October 18, 2022, through October 27, 2022, 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, Respondent had not designated, trained, and certified a Class A and Class B operator for the Facility;
 - b. Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years;
 - c. Failed to provide a release detection method capable of detecting any release from a temporarily out-of-service UST system that has not been emptied of all regulated substances;
 - d. 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 or empty the UST system no later than 90 days after insurance coverage or other financial assurance had terminated; and
 - e. Failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner. Specifically, the fill caps to the fill pipe were not locked.

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 Daniel Solis dba Danny's Tire & Services" (the "EDPRP") in the TCEQ Chief Clerk's office on December 12, 2024.
4. By letter dated December 12, 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. According to the return receipt "green card," Respondent received notice of the EDPRP on December 16, 2024, as evidenced by the signature on the card.
5. 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, 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 have the corrosion protection system inspected and tested 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) and 334.54(b)(3).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a release detection method capable of detecting any release from a temporarily out-of-service UST system that has not been emptied of all regulated substances, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.54(c)(1).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs or empty the UST system no later than 90 days after insurance coverage or other financial assurance had terminated, in violation of 30 TEX. ADMIN. CODE §§ 37.815(a) and (b) and 37.867(a).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2).
7. As evidenced by Findings of Fact Nos. 3 and 4, 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)(1).
8. As evidenced by Finding of Fact No. 5, 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 \$5,959 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 \$5,959 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: Daniel Solis dba Danny's Tire & Services; Docket No. 2023-0365-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 30 days after the effective date of this Order, properly temporarily remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.54, which includes:
 - i. Designating, training, and certifying at least one named individual as Class A and Class B operator for the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.602 (Conclusion of Law No. 2);
 - ii. Conducting the triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49 (Conclusion of Law No. 3);
 - iii. Maintaining all piping, pumps, manways, tank access points, and ancillary equipment, including the fill caps to the fill pipe, in a capped, plugged, locked, or otherwise secured manner (Conclusion of Law No. 6); and
 - iv. Either:
 - A. Emptying the Facility UST system of regulated substance in accordance with 30 TEX. ADMIN. CODE § 334.54(d)(2) and performing a site check and any necessary corrective actions, in accordance with 30 TEX. ADMIN. CODE § 334.54; or
 - B. Completing both of the following:
 - I. Obtaining financial assurance for the UST system, in accordance with 30 TEX. ADMIN. CODE § 37.815 (Conclusion of Law No. 5); and
 - II. Implementing a release detection method for the USTs in a manner that will detect a release at a frequency of at least once every 30 days, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Conclusion of Law No. 4).

- b. Within 45 days after the effective date of this Order, submit written certification as described in Order Provision No. 3.e. to demonstrate compliance with Ordering Provision No. 3.a.
- c. In lieu of Ordering Provision Nos. 3.a. and 3.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;
 - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
 - A. Removing the USTs from the ground, abandoning the USTs in-place, or conducting a permanent change-in-service;
 - B. Emptying the USTs of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
 - C. 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;
 - D. Determining whether there has been a release of regulated substance from the UST system, performing a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and complying with all applicable corrective action requirements; and
 - iii. Submitting a completely and accurately filled-out registration to reflect the operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7, to:

Petroleum Storage Tank Registration Program, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Unless Respondent complies with Ordering Provision Nos. 3.a. and 3.b., within 195 days after the effective date of this Order, submit written certification as described by Ordering Provision No. 3.e. to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law I have personally examined and am familiar with the information submitted and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware 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
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

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 address listed above.
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.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JUN ZHANG

"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 Daniel Solis dba Danny's Tire & Services' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 12, 2024.

The EDPRP was mailed to Respondent's last known address on December 12, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on December 16, 2024, as evidenced by the signature on the card.

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 Jun Zhang, 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 10th day of April, 2025

A handwritten signature in cursive script that reads "Jun Zhang".

Declarant