

**Executive Summary – Enforcement Matter – Case No. 63894**  
**SALIMA, INC. dba Dairy Way**  
**RN102928496**  
**Docket No. 2023-1495-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

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

Dairy Way, 2854 West Davis Street, Dallas, Dallas County

**Type of Operation:**

Underground storage tank ("UST") system and a convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 4, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,839

**Amount Deferred for Expedited Settlement:** \$2,967

**Total Paid to General Revenue:** \$357

**Total Due to General Revenue:** \$11,515

Payment Plan: 35 payments of \$329 each

**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:** February 9, 2023

**Date(s) of NOE(s):** March 30, 2023

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**SALIMA, INC. dba Dairy Way**  
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***Violation Information***

1. Failed to monitor the USTs for releases at a frequency of at least once every 30 days by taking appropriate steps to assure that statistical inventory reconciliation ("SIR") analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(9)(A)(iii) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to provide corrosion protection for all underground and/or totally or partially submerged metal components of the UST system, designed or used to convey, contain, or store regulated substances. Specifically, the metal components under the dispensers were in contact with soil and/or water and were not protected from corrosion [30 TEX. ADMIN. CODE § 334.49(a)(4) and TEX. WATER CODE § 26.3475(d)].
3. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72].
4. Failed to investigate and confirm all suspected releases of regulated substances within 30 days. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By March 10, 2023, the Respondent installed corrosion protection for the metal components under the dispensers and tested the corrosion protection system for the UST system at the at the Facility.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement a release detection method for the USTs at the Facility by taking appropriate steps to assure that SIR analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed;
  - ii. Develop and implement a process for reporting suspected releases; and

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iii. Conduct an investigation of the suspected release and implement appropriate corrective measures.

b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Stephanie McCurley, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Malika Pyarali, Officer, SALIMA, INC., 2854 West Davis Street, Dallas, Texas 75211

**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>	3-Apr-2023	<b>Screening</b>	12-Apr-2023	<b>EPA Due</b>	
	<b>PCW</b>	25-Oct-2023				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SALIMA, INC. dba Dairy Way				
<b>Reg. Ent. Ref. No.</b>	RN102928496				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63894	<b>No. of Violations</b>	4
<b>Docket No.</b>	2023-1495-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>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$17,500
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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.

<b>Compliance History</b>	-10.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	-\$1,750
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Notes Reduction for High Performer classification.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$937
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$312  
Estimated Cost of Compliance \$5,625  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,813
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.2%	<b>Adjustment</b>	\$26
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 3.

<b>Final Penalty Amount</b>	\$14,839
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,839
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,967
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,872
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<b>Screening Date</b>	12-Apr-2023	<b>Docket No.</b>	2023-1495-PST-E	<b>PCW</b>
<b>Respondent</b>	SALIMA, INC. dba Dairy Way			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63894			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102928496			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

### 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)

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

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

**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%

<b>Screening Date</b> 12-Apr-2023 <b>Respondent</b> SALIMA, INC. dba Dairy Way <b>Case ID No.</b> 63894 <b>Reg. Ent. Reference No.</b> RN102928496 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Stephanie McCurley	<b>Docket No.</b> 2023-1495-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(1)(A) and (d)(9)(A)(iii) and Tex. Water Code § 26.3475(c)(1)
<b>Violation Description</b>	Failed to monitor the underground storage tanks ("USTs") for releases at a frequency of at least once every 30 days by taking appropriate steps to assure that statistical inventory reconciliation ("SIR") analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed.

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		<b>Falsification</b>			
		Major	Moderate	Minor	
					<b>Percent</b> 0.0%
	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.				

<b>Adjustment</b>	\$21,250
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<b>Adjustment</b>	\$3,750
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**Violation Events**

Number of Violation Events	1	62	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$3,750
	semiannual				
	annual				
	single event				

One quarterly event is recommended from the February 9, 2023 investigation date to the April 12, 2023 screening date.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b> \$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.		

<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$148
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$3,381
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$3,381
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# Economic Benefit Worksheet

**Respondent** SALIMA, INC. dba Dairy Way  
**Case ID No.** 63894  
**Reg. Ent. Reference No.** RN102928496  
**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
<b>Delayed Costs</b>							
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)	\$1,500	9-Feb-2023	28-Jan-2025	1.97	\$148	n/a	\$148
Notes for DELAYED costs	Estimated delayed cost to implement a release detection method for the USTs at the Facility by taking appropriate steps to assure that SIR analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	\$1,500			<b>TOTAL</b>		\$148	

<b>Screening Date</b> 12-Apr-2023 <b>Respondent</b> SALIMA, INC. dba Dairy Way <b>Case ID No.</b> 63894 <b>Reg. Ent. Reference No.</b> RN102928496 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Stephanie McCurley	<b>Docket No.</b> 2023-1495-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(a)(4) and Tex. Water Code § 26.3475(d)		
<b>Violation Description</b>	Failed to provide corrosion protection for all underground and/or totally or partially submerged metal components of the UST system, designed or used to convey, contain, or store regulated substances. Specifically, the metal components under the dispensers were in contact with soil and/or water and were not protected from corrosion.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">15.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
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	\$3,750
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**Violation Events**

Number of Violation Events	1		29	Number of violation days
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	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

<b>Violation Base Penalty</b>	\$3,750
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One quarterly event is recommended from the February 9, 2023 investigation date to the March 10, 2023 compliance date.

**Good Faith Efforts to Comply**

	<b>25.0%</b>		
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	
N/A	<input type="text"/>	<input type="text"/>	

Notes	The Respondent came into compliance on March 10, 2023 before the Notice of Enforcement dated March 30, 2023.
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<b>Violation Subtotal</b>	\$2,813
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$17
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$2,442
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,442
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# Economic Benefit Worksheet

**Respondent** SALIMA, INC. dba Dairy Way  
**Case ID No.** 63894  
**Reg. Ent. Reference No.** RN102928496  
**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	\$3,000	9-Feb-2023	10-Mar-2023	0.08	\$1	\$16	\$17
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
<b>Notes for DELAYED costs</b> Estimated delayed cost to install corrosion protection for the metal components under the dispensers and test the corrosion protection system for the UST system at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.							

## Avoided Costs

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

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

Approx. Cost of Compliance	\$3,000	<b>TOTAL</b>	\$17
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<b>Screening Date</b> 12-Apr-2023 <b>Respondent</b> SALIMA, INC. dba Dairy Way <b>Case ID No.</b> 63894 <b>Reg. Ent. Reference No.</b> RN102928496 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Stephanie McCurley	<b>Docket No.</b> 2023-1495-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 334.72
<b>Violation Description</b>	Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not reported.	

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10.0%"/>

Matrix Notes	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$22,500
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	\$2,500
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**Violation Events**

Number of Violation Events	1	183	Number of violation days
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$2,500"/>

One single event is recommended.
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**Good Faith Efforts to Comply**

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

<b>Violation Subtotal</b>	\$2,500
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**Economic Benefit (EB) for this violation**

	\$36	
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$2,254
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,254
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# Economic Benefit Worksheet

**Respondent** SALIMA, INC. dba Dairy Way  
**Case ID No.** 63894  
**Reg. Ent. Reference No.** RN102928496  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	9-Feb-2023	28-Jan-2025	1.97	\$10	n/a	\$10

**Notes for DELAYED costs**

Estimated delayed cost to develop and implement a process for timely reporting suspected releases. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$25	11-Oct-2022	12-Apr-2023	0.50	\$1	\$25	\$26

**Notes for AVOIDED costs**

Estimated avoided cost to report a suspected release. The Date Required is the date the suspected release should have been reported and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$125

**TOTAL**

\$36

<b>Screening Date</b> 12-Apr-2023 <b>Respondent</b> SALIMA, INC. dba Dairy Way <b>Case ID No.</b> 63894 <b>Reg. Ent. Reference No.</b> RN102928496 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Stephanie McCurley	<b>Docket No.</b> 2023-1495-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.74		
<b>Violation Description</b>	Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not investigated.		
<b>Base Penalty</b>		\$25,000	

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			
					<b>Percent</b> 15.0%

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
\$3,750	

**Violation Events**

Number of Violation Events	2	154	Number of violation days
----------------------------	---	-----	--------------------------

	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b>				\$7,500

Two quarterly events are recommended from the suspected release investigation due date of November 9, 2022 to the April 12, 2023 screening date
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**Good Faith Efforts to Comply**

	0.0%	
	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.	
<b>Violation Subtotal</b>		\$7,500

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

<b>Estimated EB Amount</b>	\$111
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$6,762
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$6,762	

# Economic Benefit Worksheet

**Respondent** SALIMA, INC. dba Dairy Way  
**Case ID No.** 63894  
**Reg. Ent. Reference No.** RN102928496  
**Media** Petroleum Storage Tank  
**Violation No.** 4

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)	\$1,000	9-Nov-2022	28-Jan-2025	2.22	\$111	n/a	\$111
Notes for DELAYED costs Estimated delayed cost to conduct an investigation of the suspected release and implement appropriate corrective measures. The Date Required is the date the suspected release investigation was due 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 \$1,000

**TOTAL** \$111



# Compliance History Report

Compliance History Report for CN601485717, RN102928496, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601485717, SALIMA, INC.	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Regulated Entity:</b>	RN102928496, Dairy Way	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	2854 West Davis Street in Dallas, Dallas County, Texas				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 32653				
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	August 27, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	August 27, 2019 to August 27, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Stephanie McCurley		<b>Phone:</b>	(512) 239-2607	

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
Item 1      August 19, 2021      (1755024)

**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  
SALIMA, INC. DBA DAIRY WAY  
RN102928496

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-1495-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 SALIMA, INC. dba Dairy Way (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 operates, as defined in 30 TEX. ADMIN. CODE § 334.2(75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 2854 West Davis Street in Dallas, Dallas 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 \$14,839 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$357 of the penalty and \$2,967 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 of this Order.

The remaining amount of \$11,515 of the undeferred penalty shall be paid in 35 monthly payments of \$329 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.
9. The Executive Director recognizes that by March 10, 2023, the Respondent installed corrosion protection for the metal components under the dispensers and tested the corrosion protection system for the UST system at the at the Facility.

## II. ALLEGATIONS

During an investigation at the Facility conducted on February 9, 2023, an investigator documented that the Respondent:

1. Failed to monitor the USTs for releases at a frequency of at least once every 30 days by taking appropriate steps to assure that statistical inventory reconciliation ("SIR") analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(9)(A)(iii) and TEX. WATER CODE § 26.3475(c)(1).
2. Failed to provide corrosion protection for all underground and/or totally or partially submerged metal components of the UST system, designed or used to convey, contain, or store regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(4) and TEX. WATER CODE § 26.3475(d). Specifically, the metal components under the dispensers were in contact with soil and/or water and were not protected from corrosion.
3. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not reported.

4. Failed to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, monthly inventory control records for the regular unleaded tank for August 2022 and September 2022 indicated a suspected release that was not investigated.

### 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: SALIMA, INC. dba Dairy Way, Docket No. 2023-1495-PST-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement a release detection method for the USTs at the Facility by taking appropriate steps to assure that SIR analysis reports are received from the vendor in no more than 15 calendar days following the last day of the 30-day period for which the SIR analysis is performed, in accordance with 30 TEX. ADMIN. CODE § 334.50;
    - ii. Develop and implement a process for reporting suspected releases, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
    - iii. Conduct an investigation of the suspected release and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

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

*Krista Melo-Jurack*  
-----

08/09/2025  
-----

For the Executive Director

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.

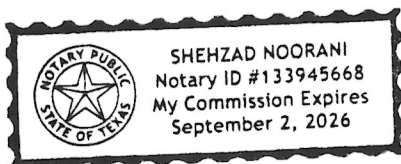
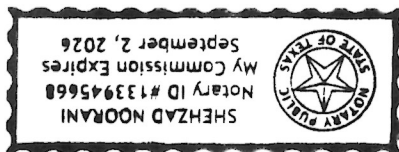
*Nalika Pyrusali*  
-----  
Signature

4.21.25  
-----  
Date

*Nalika Pyrusali*  
-----  
Name (Printed or typed)  
Authorized Representative of  
SALIMA, INC. dba Dairy Way

*Officer*  
-----  
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.