

**Executive Summary – Enforcement Matter – Case No. 65644**  
**SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823**  
**RN101897742**  
**Docket No. 2024-0631-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

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

Bigs 3823, 909 South Medford Drive, Lufkin, Angelina 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:** December 20, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,138

**Amount Deferred for Expedited Settlement:** \$2,827

**Total Paid to General Revenue:** \$11,311

**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:** January 31, 2024

**Date(s) of NOE(s):** February 27, 2024

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***Violation Information***

1. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent accepted 16 deliveries of petroleum product during the period of September 8, 2023 through January 25, 2024 without a valid, current TCEQ delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on August 31, 2023 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
3. Failed to conduct the annual walkthrough inspection of the UST containment sumps [30 TEX. ADMIN. CODE § 334.48(h)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(2)].
4. Failed to conduct a test of the proper operation of the release detection equipment at least annually [30 TEX. ADMIN. CODE § 334.48(e)(1) and TEX. WATER CODE § 26.3475(c)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Conducted the annual inspection of the containment sumps for the UST system at the Facility by February 7, 2024; and
- b. Renewed a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form by February 9, 2024.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, conduct the annual operability testing of the release detection equipment for the UST system at the Facility; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 65644**  
**SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823**  
**RN101897742**  
**Docket No. 2024-0631-PST-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amy Lane, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2614; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Karedia Saiyad, Director, SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823, 7410 Blanco Road Suite 103, San Antonio, Texas 78216

Karim Ali, Operator, SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823, 7410 Blanco Road Suite 103, San Antonio, Texas 78216

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	5-Mar-2024			
	<b>PCW</b>	11-Sep-2024	<b>Screening</b>	5-Mar-2024	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823				
<b>Reg. Ent. Ref. No.</b>	RN101897742				
<b>Facility/Site Region</b>	10-Beaumont		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65644	<b>No. of Violations</b>	4
<b>Docket No.</b>	2024-0631-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>	Amy Lane
		<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>	\$20,000
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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.

<b>Compliance History</b>	-10.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	-\$2,000
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<b>Notes</b>	Reduction for High Performer classification.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$4,062
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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	\$211	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$340	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,938
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1.4%	<b>Adjustment</b>	\$200
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 3 and 4.			
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<b>Final Penalty Amount</b>	\$14,138
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,138
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,827
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$11,311
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Screening Date

5-Mar-2024

Docket No.

2024-0631-PST-E

PCW

Respondent

SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823

Case ID No.

65644

Reg. Ent. Reference No.

RN101897742

Media

Petroleum Storage Tank

Enf. Coordinator

Amy Lane

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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%

<b>Screening Date</b>	5-Mar-2024	<b>Docket No.</b>	2024-0631-PST-E	<b>PCW</b>
<b>Respondent</b>	SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	65644			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101897742			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Amy Lane			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)			
<b>Violation Description</b>	Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the underground storage tanks ("USTs"). Specifically, the Respondent accepted 16 deliveries of petroleum product during the period of September 8, 2023 through January 25, 2024 without a valid, current TCEQ delivery certificate.			
	<b>Base Penalty</b>	\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major Moderate Minor		
	Actual			
Potential				
	<b>Percent</b>	0.0%		
>> Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		x		
	<b>Percent</b>	10.0%		
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
	<b>Adjustment</b>	\$22,500		
		\$2,500		
>> Violation Events				
	<b>Number of Violation Events</b>	5	16	<b>Number of violation days</b>
	<b>Frequency</b>			
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	<b>Violation Base Penalty</b>	\$12,500		
	Five single events are recommended (one for each month in which a petroleum product delivery occurred).			
<b>Good Faith Efforts to Comply</b>	25.0%	<b>Reduction</b>	\$3,125	
	<b>Before NOE/NOV</b>	<b>NOE/NOV to EDPRP/Settlement Offer</b>		
	Extraordinary			
	Ordinary	x		
	N/A			
	<b>Notes</b>	The Respondent achieved compliance on February 9, 2024, before the February 27, 2024 Notice of Enforcement ("NOE").		
	<b>Violation Subtotal</b>	\$9,375		
>> Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$8,242
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$8,242

# Economic Benefit Worksheet

**Respondent** SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823  
**Case ID No.** 65644  
**Reg. Ent. Reference No.** RN101897742  
**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)	\$40	31-Aug-2023	9-Feb-2024	0.44	\$1	n/a	\$1

Notes for DELAYED costs

Estimated delayed cost to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. The Date Required is the expiration date of the previously issued delivery certificate 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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

TOTAL

\$1

<b>Screening Date</b>	5-Mar-2024	<b>Docket No.</b>	2024-0631-PST-E	<b>PCW</b>
<b>Respondent</b>	SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	65644			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101897742			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Amy Lane			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
<b>Violation Description</b>	Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on August 31, 2023.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
	Major	Moderate	Minor	
	Actual			
Potential				<b>Percent</b> 0.0%
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		x		
				<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
		<b>Adjustment</b>	\$22,500	
			\$2,500	
>> Violation Events				
	<b>Number of Violation Events</b>	1	162	<b>Number of violation days</b>
	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>			
	<b>annual</b>	x		
	<b>single event</b>			
			<b>Violation Base Penalty</b>	\$2,500
	One annual event is recommended from the August 31, 2023 expiration date of the previous delivery certificate to the February 9, 2024 date of compliance.			
<b>Good Faith Efforts to Comply</b>	25.0%		<b>Reduction</b>	\$625
	<b>Before NOE/NOV</b>	<b>NOE/NOV to EDPRP/Settlement Offer</b>		
	<b>Extraordinary</b>			
	<b>Ordinary</b>	x		
	<b>N/A</b>			
	<b>Notes</b>	The Respondent achieved compliance on February 9, 2024, before the February 27, 2024 NOE.		
		<b>Violation Subtotal</b>	\$1,875	
>> Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$0	<b>Violation Final Penalty Total</b>	\$1,648
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$1,648



# Economic Benefit Worksheet

**Respondent** SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823  
**Case ID No.** 65644  
**Reg. Ent. Reference No.** RN101897742  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 1.

## 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

<b>Screening Date</b>	5-Mar-2024	<b>Docket No.</b>	2024-0631-PST-E	<b>PCW</b>
<b>Respondent</b>	SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	65644			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101897742			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Amy Lane			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.48(h)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(2)			
<b>Violation Description</b>	Failed to conduct the annual walkthrough inspection of the UST containment sumps.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major Moderate Minor		
	Actual Potential			
			Percent	5.0%
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
			Percent	0.0%
<b>Matrix Notes</b>	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.			
		<b>Adjustment</b>	\$23,750	
			\$1,250	
Violation Events				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	7
	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>			
	<b>annual</b>			
	<b>single event</b>	x		
		One single event is recommended.		
Good Faith Efforts to Comply				
		25.0%	<b>Reduction</b>	\$312
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	<b>Extraordinary</b>			
	<b>Ordinary</b>	x		
	<b>N/A</b>			
	<b>Notes</b>	The Respondent achieved compliance on February 7, 2024, before the February 27, 2024 NOE.		
		<b>Violation Subtotal</b>	\$938	
Economic Benefit (EB) for this violation				
	<b>Estimated EB Amount</b>	\$100	<b>Violation Final Penalty Total</b>	\$825
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$825	

# Economic Benefit Worksheet

**Respondent** SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823  
**Case ID No.** 65644  
**Reg. Ent. Reference No.** RN101897742  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## 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)	\$100	31-Jan-2024	7-Feb-2024	0.02	\$0	\$100	\$100

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual inspection of the containment sumps for the UST system at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$100

**TOTAL**

\$100

<b>Screening Date</b>	5-Mar-2024	<b>Docket No.</b>	2024-0631-PST-E	<b>PCW</b>
<b>Respondent</b>	SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	65644			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101897742			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Amy Lane			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.48(e)(1) and Tex. Water Code § 26.3475(c)(1)			
<b>Violation Description</b>	Failed to conduct a test of the proper operation of the release detection equipment at least annually.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Major</b>	<b>Harm</b>	<b>Minor</b>
	Actual			
	Potential	x		
			<b>Percent</b>	15.0%
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
			<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.			
		<b>Adjustment</b>	\$21,250	
			\$3,750	
Violation Events				
	<b>Number of Violation Events</b>	1	34	<b>Number of violation days</b>
	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>			
	<b>annual</b>			
	<b>single event</b>	x		
		One single event is recommended.		
Good Faith Efforts to Comply				
		0.0%	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	<b>Extraordinary</b>			
	<b>Ordinary</b>			
	<b>N/A</b>	x		
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$3,750	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$110	<b>Violation Final Penalty Total</b>	\$3,423
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$3,423

# Economic Benefit Worksheet

**Respondent** SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823  
**Case ID No.** 65644  
**Reg. Ent. Reference No.** RN101897742  
**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)	\$100	31-Jan-2024	30-Dec-2025	1.92	\$10	n/a	\$10

**Notes for DELAYED costs**

Estimated delayed cost to conduct the annual operability testing of the release detection equipment for the UST system at the Facility. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	31-Jan-2024	5-Mar-2024	0.09	\$0	\$100	\$100

**Notes for AVOIDED costs**

Estimated avoided cost to conduct the annual operability testing of the release detection equipment for the UST system at the Facility. The Date Required is the investigation date and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$200

**TOTAL**

\$110



# Compliance History Report

Compliance History Report for CN604930131, RN101897742, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604930131, SOUTH MEDFORD EXPRESS, INC.	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN101897742, BIGS 3823	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	2	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	909 South Medford Drive, Lufkin, Angelina County, Texas 75901-5251		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION 4835		
<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b> 2024	<b>Rating Date:</b> 09/01/2024
<b>Date Compliance History Report Prepared:</b>	September 11, 2024		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	September 11, 2019 to September 11, 2024		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Amy Lane	<b>Phone:</b>	(512) 239-2614

## 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?  
Okay Food Stores OWNER since 1/1/1800  
SOUTH MEDFORD EXPRESS, INC. OPERATOR since 8/17/2015  
Kns3 Investors, LLC OWNER since 3/16/2021
- 4) Who was/were the prior owner(s)/operator(s)?  
Partners NNN Investors, LP, OWNER, 8/17/2015 to 3/15/2021

## 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.):**

Item 1      March 09, 2021      (1704567)

### **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  
SOUTH MEDFORD EXPRESS, INC. DBA  
BIGS 3823  
RN101897742

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

## AGREED ORDER DOCKET NO. 2024-0631-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 SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823 (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 909 South Medford Drive in Lufkin, Angelina 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 \$14,138 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,311 of the penalty and \$2,827 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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 the Respondent implemented the following corrective measures at the Facility:
  - a. Conducted the annual inspection of the containment sumps for the UST system at the Facility by February 7, 2024; and
  - b. Renewed a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form by February 9, 2024.

## II. ALLEGATIONS

During an investigation at the Facility conducted on January 31, 2024, an investigator documented that the Respondent:

1. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, the Respondent accepted 16 deliveries of petroleum product during the period of September 8, 2023 through January 25, 2024 without a valid, current TCEQ delivery certificate.
2. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the previous delivery certificate expired on August 31, 2023.
3. Failed to conduct the annual walkthrough inspection of the UST containment sumps, in violation of 30 TEX. ADMIN. CODE § 334.48(h)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(2).
4. Failed to conduct a test of the proper operation of the release detection equipment at least annually, in violation of 30 TEX. ADMIN. CODE § 334.48(e)(1) and TEX. WATER CODE § 26.3475(c)(1).

### 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: SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823, Docket No. 2024-0631-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 requirement:
  - a. Within 30 days after the effective date of this Order, conduct the annual operability testing of the release detection equipment for the UST system at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.48.
  - 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830


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

\_\_\_\_\_  
1/31/2025  
\_\_\_\_\_  
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

\_\_\_\_\_  
1/31/2024  
\_\_\_\_\_  
Date

\_\_\_\_\_  
KAREEDIA SAIYAD  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
SOUTH MEDFORD EXPRESS, INC. dba Bigs 3823

\_\_\_\_\_  
Director.  
\_\_\_\_\_  
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.