

**Executive Summary - Enforcement Matter - Case No. 67060**  
**3301 E Berry St LLC dba Stop & Shop**  
**RN101542702**  
**Docket No. 2024-1881-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

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

Stop & Shop, 3303 East Berry Street, Fort Worth, Tarrant County

**Type of Operation:**

Underground storage tank ("UST") system that was permanently removed from service

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** October 3, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,184

**Amount Deferred for Expedited Settlement:** \$3,436

**Total Paid to General Revenue:** \$420

**Total Due to General Revenue:** \$13,328

Payment Plan: 34 payments of \$392 each

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** September 20, 2024

**Complaint Information:** Alleged the Respondent hired an unlicensed contractor to remove three USTs from an old gas station without providing notification to the TCEQ and obtaining permits from the City of Fort Worth Fire Marshal.

**Date(s) of Investigation:** September 23, 2024

**Date(s) of NOE(s):** November 25, 2024

**Executive Summary – Enforcement Matter – Case No. 67060**  
**3301 E Berry St LLC dba Stop & Shop**  
**RN101542702**  
**Docket No. 2024-1881-PST-E**

***Violation Information***

1. Failed to permanently remove the USTs from service by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the activity. Specifically, the Respondent removed three USTs at the Facility without the supervision of an on-site licensed supervisor or licensed contractor [30 TEX. ADMIN. CODE § 334.55(a)(3)].
2. Failed to determine whether any prior release of a stored regulated substance has occurred from the UST system [30 TEX. ADMIN. CODE § 334.55(a)(6)].
3. Failed to file a written notification to the TCEQ at least 30 days prior to initiating construction activities. Specifically, the Respondent conducted construction on June 13, 2024 without notification [30 TEX. ADMIN. CODE § 334.6(b)(2)].
4. Failed to notify the appropriate TCEQ regional office between 24 and 72 hours prior to the scheduled time of initiation of a major UST construction activity. Specifically, the Respondent conducted construction on June 13, 2024 without notification [30 TEX. ADMIN. CODE § 334.6(b)(2)(C)].
5. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the Respondent failed to update the current ownership information and update the UST system status to permanently removed from service [30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(B) and (d)(3)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On October 4, 2024, ensured future UST construction activities are performed by qualified personnel by hiring a licensed individual and contract company to perform the installation of new USTs at the Facility; and
- b. On October 24, 2024, submitted a construction notification.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:

**Executive Summary – Enforcement Matter – Case No. 67060**  
**3301 E Berry St LLC dba Stop & Shop**  
**RN101542702**  
**Docket No. 2024-1881-PST-E**

- i. Investigate a suspected release and conduct a release determination associated to the UST system that was permanently removed from the ground;
  - ii. Develop and implement procedures to ensure TCEQ and the appropriate regional office are notified prior to initiation of major UST construction activities; and
  - iii. Submit an amended UST registration to reflect current ownership information and status of the UST system as permanently removed from service through the State of Texas Environmental Electronic Reporting System.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rachel Murray, Enforcement Division, Enforcement Team 3, MC R-05, (903) 535-5149; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

**Respondent:** Gurdev Singh, Manager, Stop & Shop, 2711 LBJ Freeway, Suite 360, Farmers Branch, Texas 75234

Sabir Jumani, Chief Executive Officer, Elsarim Group Inc., 2711 LBJ Freeway, Suite 360, Farmers Branch, Texas 75234

**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>	25-Nov-2024	<b>Screening</b>	2-Dec-2024	<b>EPA Due</b>	
	<b>PCW</b>	11-Jun-2025				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	3301 E Berry St LLC dba Stop & Shop
<b>Reg. Ent. Ref. No.</b>	RN101542702
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	67060	<b>No. of Violations</b>	4
<b>Docket No.</b>	2024-1881-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>	Rachel Murray
		<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>	\$15,000
-------------------------------------------------------------	-------------------	----------

### 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>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------	------------	--------------------------------	-----

Notes: No adjustment for Compliance History.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$937
------------------------------------------------------	-------------------	--------

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts: \$5,097  
 Estimated Cost of Compliance: \$30,620  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,063
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	22.2%	Adjustment	\$3,121
---------------------------------------------	-------	------------	---------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with the Violation Nos. 1 and 3.

<b>Final Penalty Amount</b>	\$17,184
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$17,184
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$3,436
-----------------	-------	-----------	------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$13,748
------------------------	----------

Screening Date 2-Dec-2024

Docket No. 2024-1881-PST-E

PCW

Respondent 3301 E Berry St LLC dba Stop & Shop

Policy Revision 5 (January 28, 2021)

Case ID No. 67060

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101542702

Media Petroleum Storage Tank

Enf. Coordinator Rachel Murray

### 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)

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 2-Dec-2024

Docket No. 2024-1881-PST-E

PCW

Respondent 3301 E Berry St LLC dba Stop & Shop

Policy Revision 5 (January 28, 2021)

Case ID No. 67060

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101542702

Media Petroleum Storage Tank

Enf. Coordinator Rachel Murray

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.55(a)(3)

Violation Description

Failed to permanently remove the underground storage tanks ("USTs") from service by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the activity. Specifically, the Respondent removed three USTs at the Facility without the supervision of an on-site licensed supervisor or licensed contractor.

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

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

11 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes

The Respondent came into compliance on October 4, 2024, prior to the November 25, 2024 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,070

Violation Final Penalty Total \$3,437

This violation Final Assessed Penalty (adjusted for limits) \$3,437

## Economic Benefit Worksheet

**Respondent** 3301 E Berry St LLC dba Stop & Shop  
**Case ID No.** 67060  
**Req. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	23-Sep-2024	4-Oct-2024	0.03	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated delayed cost to ensure that future UST construction activities, including the installation of new USTs, are performed by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the activity. 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)	\$3,000	13-Jun-2024	2-Dec-2024	0.47	\$70	\$3,000	\$3,070

**Notes for AVOIDED costs** Estimated avoided cost to hire a licensed individual or contract company to perform the UST removal activity. The Date Required is the date the USTs were removed from the ground, and the Final Date is the screening date.

Approx. Cost of Compliance \$3,100

**TOTAL** \$3,070

**Screening Date** 2-Dec-2024 **Docket No.** 2024-1881-PST-E **PCW**  
**Respondent** 3301 E Berry St LLC dba Stop & Shop *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 67060 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Rachel Murray

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	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 type="text" value="X"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 3301 E Berry St LLC dba Stop & Shop  
**Case ID No.** 67060  
**Req. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$27,330	13-Jun-2024	21-Nov-2025	1.44	\$1,969	n/a	\$1,969

Notes for DELAYED costs

Estimated delayed cost to investigate a suspected release and conduct a release determination associated to the UST system that was permanently removed from the ground (\$27,330). The Date Required is the date of the UST removal 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

\$27,330

**TOTAL**

\$1,969

**Screening Date** 2-Dec-2024 **Docket No.** 2024-1881-PST-E **PCW**  
**Respondent** 3301 E Berry St LLC dba Stop & Shop *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 67060 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Rachel Murray

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to file a written notification to the TCEQ at least 30 days prior to initiating construction activities. Specifically, the Respondent conducted construction on June 13, 2024 without notification. Additionally, failed to notify the appropriate TCEQ regional office between 24 and 72 hours prior to the scheduled time of initiation of a major UST construction activity. Specifically, the Respondent conducted construction on June 13, 2024 without notification.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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"/>

**Violation Base Penalty**

Two single events are recommended, one for each missed notification.

**Good Faith Efforts to Comply**  Reduction

	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"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 3301 E Berry St LLC dba Stop & Shop  
**Case ID No.** 67060  
**Req. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	23-Sep-2024	21-Sep-2025	0.99	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures to ensure TCEQ and the appropriate regional office are notified prior to initiation of major UST construction activities (\$100). 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	\$25	12-Jun-2024	24-Oct-2024	0.37	\$0	\$25	\$25
Other (as needed)	\$25	14-May-2024	24-Oct-2024	0.45	\$1	\$25	\$26

Notes for AVOIDED costs

Estimated avoided cost to notify the TCEQ at least 30 days prior to the scheduled initiation of major UST construction activities (\$25). The Date Required is 30 days before the commencement of construction activities and the Final Date is the compliance date.

Estimated avoided cost to notify the appropriate regional office at least 24 hours prior to the scheduled initiation of major UST construction activities (\$25). The Date Required is 24 hours before the commencement of construction activities and the Final Date is the compliance date.

Approx. Cost of Compliance

\$150

**TOTAL**

\$56

**Screening Date** 2-Dec-2024 **Docket No.** 2024-1881-PST-E **PCW**  
**Respondent** 3301 E Berry St LLC dba Stop & Shop *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 67060 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101542702  
**Media** Petroleum Storage Tank

**Enf. Coordinator** Rachel Murray

**Violation Number** 4

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

**Violation Description**

Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the Respondent failed to update the current ownership information and update the UST system status to permanently removed from service.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$2,500

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

Extraordinary		
Ordinary		
N/A	X	

Notes

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

**Violation Subtotal** \$2,500

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

**Estimated EB Amount** \$2

**Violation Final Penalty Total** \$3,055

**This violation Final Assessed Penalty (adjusted for limits)** \$3,055

## Economic Benefit Worksheet

**Respondent** 3301 E Berry St LLC dba Stop & Shop  
**Case ID No.** 67060  
**Req. Ent. Reference No.** RN101542702  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	23-Sep-2024	21-Sep-2025	0.99	\$2	n/a	\$2

**Notes for DELAYED costs**  
 Estimated delayed cost to submit an amended UST registration to reflect current ownership information and amend the UST system status to permanently removed from service through the State of Texas Environmental Electronic Reporting System (\$40). 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)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$40

**TOTAL**

\$2

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN606320240, RN101542702, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN606320240, 3301 E Berry St LLC      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101542702, Stop & Shop      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 3303 EAST BERRY STREET, FORT WORTH, TARRANT COUNTY, TEXAS 76105-5302

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PETROLEUM STORAGE TANK NON REGISTERED ID**  
NUMBER R04101542702

**Compliance History Period:** September 01, 2019 to August 31, 2024      **Rating Year:** 2024      **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** May 27, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 27, 2020 to May 27, 2025

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

**Name:** Rachel Murray

**Phone:** (903) 535-5149

**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? NGUYEN, TUYEN C OWNER since 1/1/1800  
3301 E Berry St LLC OWNER OPERATOR since 5/15/2024
- 4) Who was/were the prior owner(s)/operator(s)? Berry Intersection LLC, OWNER OPERATOR, 3/11/2022 to 5/14/2024  
SAI MJD, INC, OWNER OPERATOR, 6/25/2010 to 3/10/2022

**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      June 17, 2021      (1722934)

**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  
3301 E BERRY ST LLC DBA STOP &  
SHOP  
RN101542702

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

AGREED ORDER  
DOCKET NO. 2024-1881-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 3301 E Berry St LLC dba Stop & Shop (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 owned, as defined in 30 TEX. ADMIN. CODE § 334.2(78) an underground storage tank ("UST") system that was permanently removed from service located at 3303 East Berry Street in Fort Worth, Tarrant 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 \$17,184 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$420 of the penalty and \$3,436 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 \$13,328 of the undeferred penalty shall be paid in 34 monthly payments of \$392 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 the Respondent implemented the following corrective measures at the Facility:
  - a. On October 4, 2024, ensured future UST construction activities are performed by qualified personnel by hiring a licensed individual and contract company to perform the installation of new USTs at the Facility; and
  - b. On October 24, 2024, submitted a construction notification.

## II. ALLEGATIONS

During an investigation at the Facility conducted on September 23, 2024, an investigator documented that the Respondent:

1. Failed to permanently remove the USTs from service by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the activity, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(3). Specifically, the Respondent removed three USTs at the Facility without the supervision of an on-site licensed supervisor or licensed contractor.
2. Failed to determine whether any prior release of a stored regulated substance has occurred from the UST system, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(6).
3. Failed to file a written notification to the TCEQ at least 30 days prior to initiating construction activities, in violation of 30 TEX. ADMIN. CODE § 334.6(b)(2). Specifically, the Respondent conducted construction on June 13, 2024 without notification.

4. Failed to notify the appropriate TCEQ regional office between 24 and 72 hours prior to the scheduled time of initiation of a major UST construction activity, in violation of 30 TEX. ADMIN. CODE § 334.6(b)(2)(C). Specifically, the Respondent conducted construction on June 13, 2024 without notification.
5. Failed to provide an amended registration for any change or additional information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(B) and (d)(3). Specifically, the Respondent failed to update the current ownership information and update the UST system status to permanently removed from service.

### 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: 3301 E Berry St LLC dba Stop & Shop, Docket No. 2024-1881-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. Investigate a suspected release and conduct a release determination associated to the UST system that was permanently removed from the ground, in accordance with 30 TEX. ADMIN. CODE § 334.55;
    - ii. Develop and implement procedures to ensure TCEQ and the appropriate regional office are notified prior to initiation of major UST construction activities, in accordance with 30 TEX. ADMIN. CODE § 334.6; and
    - iii. Submit an amended UST registration to reflect current ownership information and status of the UST system as permanently removed from service through the State of Texas Environmental Electronic Reporting System, in accordance with 30 TEX. ADMIN. CODE § 334.7.
  - 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

  
-----

10/26/2025  
-----

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.



08/06/2025  
-----

-----  
Signature

Date

Sabir Jumani "Elsarim Group Inc"

CEO  
-----

-----  
Name (Printed or typed)

Title

Authorized Representative of

3301 E Berry St LLC dba Stop & Shop

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

2711 lbj freewat, ste 360 farmers branch tx 75234

**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.