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# Storage Tank Enforcement: Texas Commission on Environmental Quality Draft Agreed Order Addressing Harris County, Texas Facility Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

03/23/2016

The Texas Commission on Environmental Quality ("TCEQ") is considering a draft Agreed Order ("AO") that would address alleged violations regarding the regulation of underground storage tanks ("USTs") by Jawaid W. Samana, KJ Holdings, Inc. and H. Erwin Wilbanks (collectively "KJ"). See Docket No. 2015-1395-MLM-E.

The AO alleges that KJ owned and operated an inactive UST system in Harris County, Texas.

The USTs owned by KJ are described as not exempt or excluded from regulation under the Texas Water Code or TCEQ and contain (or contained) regulated substances as defined by the relevant rules.

The AO alleges that on April 7, 2014 and October 13, 2104 TCEQ staff documented that KJ:

- Failed to notify the agency of any change or additional information regarding the UST system within 30 days of the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d)(3) and 334.54(e)(2). Specifically, the registration had not been updated to reflect the current owner, operator, and operational status of the UST system; and
- Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2).

KJ is stated to generally deny the previously referenced allegations.

TCEQ's Executive Director is stated to recognize that KJ implemented certain corrective action measures at the facility at which the USTs were found as of December 10, 2015, which include:

- Permanently removed the UST system from service; and
- Submitted an amended registration updating the current owner and operator information and reflecting the operational status of the UST system as permanently removed from service.

KJ agrees to an administrative penalty of \$8,750.00.

[Click here to download a copy of the AO.](#)

