



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Headquarters

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

May 30, 2024

Masoud Aria
Haseeb Shojai
MH Metolius Investments, LLC
516 SW 5th St.
Redmond, OR 97756

RE: UST Compliance Inspection
DEQ UST # 11959
Metolius Market

Masoud Aria & Haseeb Shojai:

The Oregon Department of Environmental Quality (DEQ) is conducting underground storage tank (UST) inspections throughout Oregon. The purpose of this letter is to inform you that your facility, among others, has been selected for inspection. A thorough inspection of your facility will be conducted to determine compliance with state and federal UST requirements. The inspection will include a file review, compliance testing documentation, and a site visit. **The date you receive this letter is the date that the inspection starts.** If you have work done after that date, you will need to have the previous set of records available for evaluation in addition to the most recent records.

The site visit for the inspection for this facility is scheduled for June 26, 2024, starting at approximately 11:00 am. Please note that the inspection will require uninterrupted participation and attendance by you or a knowledgeable assistant. For the site visit part of the inspection, you must provide access to all tank sumps, and you will have to open and stick all tanks to measure the depth of any contents. DEQ will not touch the equipment. If you are unable to assist with equipment access, please have your UST Service Provider there.

To complete this inspection, you will need to have required proof of financial responsibility and proof of A/B operator training available on-site on the day of the inspection or sent to me prior to the inspection at diana.foss@deq.oregon.gov. If the records are not available during the day of the inspection, you will have five (5) business days to provide the records to me electronically, after which time this facility may be subject to enforcement actions.

Our records indicate that the USTs at your facility are in Temporary Closure. During the site visit, DEQ will verify that the tanks are empty as defined by OAR 340-150-0010(32) and the equipment is secure as indicated in OAR-340-0167.

If violations are found at the time of the inspection without prior notification by you, DEQ is required to initiate enforcement action. For UST violations, enforcement usually begins with a field citation option, which includes paying a monetary fine and conducting corrective actions.

Enforcement may be referred to the Office of Compliance and Enforcement for further review, which may result in civil penalties.

In addition, you have not yet submitted an owner modification form since your purchase of this property on March 31, 2021, nor an application to transfer the current temporary closure certificate to your name. I've included copies of these forms with this letter. Please complete and return them immediately.

Thank you for your cooperation. I can be reached at 503-869-0770 or diana.foss@deq.oregon.gov to answer any questions you may have and assist you in the preparation for your inspection.

Sincerely,

Diana Foss

Senior Policy Analyst
UST Program

Oregon Department of Environmental Quality - Underground Storage Tank Program
Technical Compliance Inspection - UST Inspection Report (Temporary Closure)

Inspector: Diana Foss

Date: 6/26/24

Time: 11 am

Facility: 11959

I. Site Information					
Facility Name: Metolius Market			Permittee: Masoud Aria & Haseeb Shojai		
Site Address: 3777 SW CULVER HWY			Organization: MH Metolius Investments, LLC		
City: Metolius			Phone: Mo – 541-233-6376 and Haseeb - 541-777-7503		
II. Tank Information					
DEQ Permit #	BFADD				
Estimated Gallons	6000				
Substance	Gasoline				
Tank Material	Composite				
Tank Install Date	9/10/1999				
Pipe Material	FRP				
Pipe Type	Safe Suction				
Pipe Install Date					
Overfill Device	Flapper valve				
Objective of field visit: FCI					
Notes and Comments from the UST database: ☐ Check file before conducting inspection TC expired 10/3/2020 No Mod App No stick. Observed reflection and fuel odor					
III. Financial Responsibility			Compliance ☐ Yes ☒ No		
Type of coverage:		Begin Date:		End Date:	
Coverage amount correct:		Number of tanks covered:			
Financial responsibility could also be in the form of self insurance, bonds, local government, trust fund, and or guarantee					
IV. Corrosion Protection			Compliance ☐ Yes ☐ No		
☐ Cathodic ☐ Galvanic ☐ Impressed Current ☐ Fiberglass/composite tanks					
Steel tank with cathodic?			☐ Yes	☐ No	
Steel pipes with cathodic?			☐ Yes	☐ No	
Steel flex-lines with cathodic?			☐ Yes	☐ No	
Date of cathodic test: _____					
Last two tests available?			☐ Yes	☐ No	
Did last test pass?			☐ Yes	☐ No	
If not:					
Was failed test reported to DEQ?			☐ Yes	☐ No	
Was system repaired?			☐ Yes	☐ No	
Date of repair? _____					
Cathodic retested within 6 mos. of repair?			☐ Yes	☐ No	
Date of retesting? _____					
If impressed current system:					
Rectifier Operational?			☐ Yes	☐ No	
Rectifier log maintained?			☐ Yes	☐ No	
Rectifier been operating continuously			☐ Yes	☐ No	
☐ Tank Lining					
Date of lest test? _____					
Pressure test conducted after tank lining inspection?			☐ Yes	☐ No	

V. General notes from inspection

Representative onsite: Mohammad Zareie

email: _____

Compliance Determination: ☐ No Violations Observed ☒ Observed violations resulting in enforcement

Inspector Signature: *Diana Foss*

Date: 06/26/2024



State of Oregon
Department of
Environmental
Quality

Program Enforcement No. 2024-FC-9388

Department of Environmental Quality Underground Storage Tank Program

Field Citation For UST Violations

This section for
DEQ use only

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DEQ Information		UST Facility Information	
Inspection Date:	06/26/2024	Facility ID#:	11959
Inspector:	Diana Foss	Facility Name:	Metolius Market
DEQ Office:	700 NE Multnomah St Portland, OR 97232	Facility Address:	3777 SW Culver Hwy Metolius, OR 97741-8818
Phone #:	503-869-0770	County:	Jefferson

Oregon DEQ inspected the facility listed above and identified the UST violations listed on page 3 of this Field Citation.

Field Citation Issued:	☐ In Person ☒ By Mail ☐ Both	Date Issued:	06/28/2024
Facility Representative Present During Inspection:	Mohammed Zareie	☐ Permittee ☐ Owner ☒ Other	
Name of Permittee or Owner:	MH Metolius Investments, LLC Masoud Aria & Haseeb Shojai		
Mailing Address:	612 NW Madras Hwy, Prineville OR 97754-1444		

Field Citation Penalty – See Page 3 for detailed listing of each violation.	\$ 1,400	.00
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This Field Citation is issued in accordance with the requirements for the expedited enforcement of underground storage tank (UST) violations, OAR 340-150-0250.

Owner or Permittee should select Option 1 or Option 2 below and return a signed copy of this form to DEQ by the following date: 07/29/2024

DEQ Revenue Section
700 NE Multnomah St. #600
Portland, Oregon 97232

Check one option

- ☐ **Option 1** - I acknowledge that the listed violation(s) have occurred and I am remitting the listed field citation penalty.
- ☐ **Option 2** - I do not want to participate in the expedited enforcement process and understand that my file will be referred to the Department's Office of Compliance and Enforcement for formal enforcement action.

Name:	Owner / Permittee
Signature:	Date:

Important

Read pages 2 and 3 for more information about your options and a detailed listing of violations and compliance requirements.

Field Citation Requirements

The permittee or owner should select Option 1 or Option 2 and return a signed copy of Page 1 of the Field Citation form within thirty (30) days of issuance of the Field Citation. If the permittee or owner fails to sign and send Page 1 of the Field Citation form back or pay the penalty within thirty days, Option 1 expires, the Field Citation will serve as a Pre-Enforcement Notice (PEN) and the permittee and owner will be subject to formal enforcement including the imposition of civil penalties in accordance with OAR Chapter 340, Division 12.

The permittee or owner must complete the actions required to correct the violations listed on the Field Citation by the date specified to prevent further enforcement action by DEQ.

Option 1:

By checking Option 1 the permittee or owner acknowledges that the violations listed on Page 3 of this Field Citation have occurred and agrees to pay the established penalty.

By submitting payment of the penalty amount, the responding permittee or owner agrees to accept the field citation as a final order of the Environmental Quality Commission (commission) and waives any and all rights and objections to the form, content, manner of service and timeliness of the Field Citation; to a contested case hearing and judicial review of the Field Citation [OAR 340-150-0250(6)]; and to service of a copy of this Final Order (*i.e.*, no other copy will be provided).

Upon the Department's receipt of payment of the penalty amount set forth in the Field Citation, the Field Citation becomes a Final Order of the Commission that:

1. Imposes upon the permittee or owner a civil penalty in the amount listed on Page 1 of this Field Citation; and
2. Requires the permittee or owner to satisfactorily complete the requirements and actions necessary to correct the violations documented by the dates set forth on Page 3 of this Field Citation.

Failure by the permittee or owner to complete the actions set forth on Page 3 of the Field Citation by the specified date violates the Commission Order and subjects the permittee and owner to a formal enforcement action including the imposition of additional civil penalties.

Option 2:

The permittee or owner may deny that the violations as listed on Page 3 of this Field Citation have occurred or contest the Field Citation process by checking Option 2 and submitting to the Department a signed copy of Page 1 of the Field Citation. In that event, the Field Citation will serve as a Pre-Enforcement Notice (PEN) and the permittee and owner will be subject to formal enforcement for those violations set forth in the Field Citation, including the imposition of civil penalties in accordance with OAR Chapter 340, Division 12. Civil penalties that will be imposed by the formal enforcement process will exceed the Field Citation penalties for the same violation(s).

**The Department appreciates your cooperation and efforts to
comply with the regulations for underground storage tank
systems.**

UST FIELD CITATION

DATE ISSUED: 06/28/2024

PROGRAM ENFORCEMENT No.: 2024-FC-9388

FACILITY ID: 11959

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Violation #1: *TCR: ☐ Y ☒ N	Failure to establish or maintain a required financial responsibility mechanism.		
Corrective Action:	Provide current proof of financial responsibility		
Rule Citation: OAR 340-151- 0010	Penalty Amount: \$ 500 .00	Correct Violation by: 7/12/2024	Date Violation Corrected:
Violation #2: *TCR: ☐ Y ☒ N	Failure to apply for a modified general permit registration certificate when there is a change of permittee, tank owner or property owner.		
Corrective Action:	Submit owner modification form		
Rule Citation: OAR 340-150- 0052	Penalty Amount: \$ 150 .00	Correct Violation by: 7/12/2024	Date Violation Corrected:
Violation #3: *TCR: ☐ Y ☒ N	Failure to have a trained UST System Operator for an UST facility or to provide emergency response information.		
Corrective Action:			
Rule Citation: OAR 340-150- 0210(2)	Penalty Amount: \$ 150 .00	Correct Violation by: 7/29/2024	Date Violation Corrected:
Violation #4: *TCR: ☐ Y ☒ N	Failure to operate or maintain a method or combination of methods for release detection such that the method can detect a release from any portion of the UST system.		
Corrective Action:	Remove liquid from tank and provide fuel disposal receipt		
Rule Citation: OAR 340-150- 400(1) 	Penalty Amount: \$ 300 .00	Correct Violation by: 7/12/2024	Date Violation Corrected:
Violation #5: *TCR: ☐ Y ☒ N	Failure to submit a request for change-in-service, a request to return to operational status or an application to extend temporary closure at least 30 days before a temporary closure certificate expires		
Corrective Action:	Submit 30 day notice to decommission or application to return to service		
Rule Citation: OAR 340-150- 0067(2)	Penalty Amount: \$ 150 .00	Correct Violation by: 7/29/2024	Date Violation Corrected:
Violation #6: *TCR: ☐ Y ☒ N	Failure to allow access at reasonable time to interview persons, inspect equipment and site conditions, collect samples, take still or video pictures, conduct an investigation or review and copy records.		
Corrective Action:	N/A		
Rule Citation: OAR 340-150- 0135(2)	Penalty Amount: \$ 150 .00	Correct Violation by:	Date Violation Corrected:
	Total Penalty Amount (This Page): \$ 1400 .00	Total Penalty Amount (All Pages): \$ 1400 .00	

YOU MUST CORRECT THE VIOLATIONS AS REQUIRED, ENTER THE DATES CORRECTED, SIGN THE STATEMENT BELOW AND RETURN THIS FORM TO THE DEQ INSPECTOR LISTED ON PAGE 1 ON OR BEFORE: 07/29/2024

Retain a copy of this form and all documentation of corrective actions for your records.

I hereby certify that the UST violations noted above have been corrected: _____ / _____
Permittee/Owner Signature
Date

*TCR: Technical Compliance Rate