

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-0538-PST-E    **TCEQ ID:** RN100672690    **CASE NO.:** 29358  
**RESPONDENT NAME:** Three Rivers Flying Service Co., Inc.

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Three Rivers Flying Service, 861 Hohmann Road, San Angelo, Tom Green County

**TYPE OF OPERATION:** Flying service

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on August 28, 2006. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Thomas Greimel, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-5690; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** Mr. Dee Sims, President and Registered Agent, Three Rivers Flying Service Co., Inc., 861 Hohmann Road, San Angelo, Texas 76905

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 11, 2006</p> <p><b>Date of NOE Relating to this Case:</b> May 1, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Two violations were documented.</p> <p><b>WASTE</b></p> <p>1) Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks ("USTs") [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>2) Failed to equip the UST fill tube with a spill container or catchment basin, or enclose in a liquid-tight manway, riser, or sump [30 TEX. ADMIN. CODE § 334.51(b)(2)(B) and TEX. WATER CODE § 26.3475(c)(2)].</p>	<p><b>Total Assessed:</b> \$1,500</p> <p><b>Total Deferred:</b> \$300  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,200</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken</b></p> <p>The Executive Director recognizes that Three Rivers had the tank permanently removed from the ground on April 25, 2006.</p>

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b> 08-May-2006	<b>Screening</b> 11-May-2006	<b>EPA Due</b>
		<b>PCW</b> 12-Jun-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Three Rivers Flying Service Co., Inc.
<b>Reg. Ent. Ref. No.</b>	RN100672690
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	29358	<b>No. of Violations</b>	2
<b>Docket No.</b>	2006-0538-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Enf. Coordinator</b>	Christina J. Martinez
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
---	-------------------	---------

**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% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	----------------	--------------------------------	-----

**Notes** No enhancement is recommended due to compliance history.

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

**Notes** The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	-\$500
------------------------------------	---------------	-------------------	--------

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

**Notes** The respondent came into compliance on April 25, 2006

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

Total EB Amounts	\$684	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,150	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,500
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
---	--	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	\$1,500
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,500
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$300
-----------------	---------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,200
------------------------	---------

<b>Screening Date</b>	11-May-2006	<b>Docket No.</b>	2006-0538-PST-E	<b>PCW</b>
<b>Respondent</b>	Three Rivers Flying Service Co., Inc.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	29358	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN100672690			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Christina J. Martinez			

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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 judgements 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)</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%
<i>Please Enter Yes or No</i>			
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)**

<input type="text" value="No"/>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="float: right;">0%</span>
---------------------------------	---

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

<input type="text" value="Average Performer"/>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="float: right;">0%</span>
--	---

>> **Compliance History Summary**

**Compliance History Notes** No enhancement is recommended due to compliance history.

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

<b>Screening Date</b>	11-May-2006	<b>Docket No.</b>	2006-0538-PST-E	<b>PCW</b>
<b>Respondent</b>	Three Rivers Flying Service Co., Inc.		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	29358	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN100672690			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Christina J. Martinez			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 37.815(a) and (b)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.			
<b>Base Penalty</b>	\$10,000			

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

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

>> **Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	Percent
	x			
Matrix Notes				10%
				Adjustment
				-\$9,000
<b>Base Penalty Subtotal</b>				\$1,000

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event (one per tank) is recommended based on the April 11, 2006 investigation.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$683"/>	Violation Final Penalty Total <input type="text" value="\$750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$750"/>	

### Economic Benefit Worksheet

Respondent: Three Rivers Flying Service Co., Inc.  
 Case ID No: 29358  
 Reg. Ent. Reference No: RN100672690  
 Media [Statute]: 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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$650	11-Apr-2005	11-Apr-2006	1.0	\$33	\$650	\$683
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost (\$650 per tank) to provide financial assurance for one petroleum UST. The date required is one year prior to the investigation date. The Final Date is the investigation date.

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	11-May-2006	<b>Docket No.</b>	2006-0538-PST-E	<b>PCW</b>
<b>Respondent</b>	Three Rivers Flying Service Co., Inc.			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	29358			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN100672690			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Christina J. Martinez			
<b>Violation Number</b>	<input type="text" value="2"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.51(b)(2)(B)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text" value="Tex. Water Code § 26.3475(c)(2)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to equip the UST fill tube with a spill container or catchment basin, or enclose in a liquid-tight manway, riser, or sump."/>			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to equip the UST fill tube with spill containment could result in the exposure of significant amounts of contaminants which would not exceed levels that are protective of human health and the environment."/>					

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$750"/>	

### Economic Benefit Worksheet

Respondent Three Rivers Flying Service Co., Inc.  
 Case ID No. 29358  
 Reg. Ent. Reference No. RN100672690  
 Media [Statute] 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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment	\$500	11-Apr-2006	25-Apr-2006	0.0	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to install spill containment. Date Required is the investigation date. Final Date is the date the tank was removed.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

**TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator:	CN600380455 Three Rivers Flying Service Co., Inc.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN100672690 THREE RIVERS FLYING SERVICE	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION	60726
	REGISTRATION	IHW CORRECTIVE ACTION	ID NUMBER T0167
Location:	861 HOHMANN RD, SAN ANGELO, TX, 76905		Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	May 11, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 11, 2001 to May 11, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christina J. Martinez Phone: 512-239-0739

### Site Compliance History Components

- |  |            |
|--|------------|
| 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 of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
    - 1 05/01/2006 (464346)
    - 2 05/01/2006 (462497)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
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  
THREE RIVERS FLYING SERVICE  
CO., INC.  
RN100672690

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-0538-PST-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Three Rivers Flying Service Co., Inc. ("Three Rivers") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Three Rivers appear before the Commission and together stipulate that:

1. Three Rivers owns and operated a flying service at 861 Hohmann Road in San Angelo, Tom Green County, Texas (the "Facility").
2. Three Rivers's one underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and Three Rivers agree that the Commission has jurisdiction to enter this Agreed Order, and that Three Rivers is subject to the Commission's jurisdiction.
4. Three Rivers received notice of the violations alleged in Section II ("Allegations") on or about May 7, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Three Rivers of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Three Rivers has paid One Thousand Two Hundred Dollars (\$1,200) of the administrative penalty and Three Hundred Dollars (\$300) is deferred contingent upon Three Rivers's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Three Rivers fails to timely and satisfactorily



comply with all requirements of this Agreed Order, the Executive Director may require Three Rivers to pay all or part of the deferred penalty.

7. 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.
8. The Executive Director of the TCEQ and Three Rivers have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Three Rivers had the tank permanently removed from the ground on April 25, 2006.
10. 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 Three Rivers has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Three Rivers is alleged to have:

1. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b), as documented during an investigation conducted on April 11, 2006.
2. Failed to equip the UST fill tube with a spill container or catchment basin, or enclose in a liquid-tight manway, riser, or sump, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(B) and TEX. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on April 11, 2006.

## III. DENIALS

Three Rivers generally denies each allegation in Section II ("Allegations").

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text outlines the various methods used to collect and analyze data, including the use of computerized systems and manual audits. It also discusses the challenges of data collection and the need for standardized procedures to ensure consistency and reliability of the information.

The second part of the document focuses on the role of the auditor in the financial reporting process. It describes the auditor's responsibilities and the standards that govern their work. The text highlights the importance of independence and objectivity in the audit process and discusses the various techniques used to assess the risk of material misstatement. It also addresses the issue of audit quality and the need for continuous improvement in the profession.

The third part of the document discusses the impact of the Sarbanes-Oxley Act on the auditing profession. It examines the changes in the regulatory environment and the resulting increase in the demand for high-quality audits. The text also discusses the challenges of the new regulatory requirements and the need for the profession to adapt to these changes. It highlights the importance of maintaining the public trust in the financial reporting system and the role of the auditor in this process.

The final part of the document provides a summary of the key findings and conclusions of the study. It emphasizes the need for continued research and development in the field of auditing and the importance of maintaining the highest standards of professional conduct. The text also discusses the future of the auditing profession and the challenges it will face in the years ahead. It concludes by reaffirming the commitment of the profession to the public interest and the integrity of the financial reporting system.

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Three Rivers pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Three Rivers's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Three Rivers Flying Service Co., Inc., Docket No. 2006-0538-PST-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Three Rivers. Three Rivers is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Three Rivers in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Three Rivers, or three days after the date on which the Commission mails notice of the Order to Three Rivers, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities.

2. It then goes on to describe the various methods used to collect and analyze data, including surveys, interviews, and focus groups.

3. The next section details the results of the data collection process, highlighting key findings and trends.

4. Finally, the document concludes with a series of recommendations for future research and implementation.

5. The overall goal of this document is to provide a comprehensive overview of the research process and its findings.

6. It is hoped that this information will be helpful to anyone interested in conducting similar research.

7. Thank you for your attention and interest in this project.

8. The following table provides a summary of the key findings from the research.

9. It is important to note that these findings are based on the data collected during the study.

10. Further research is needed to confirm these results and explore the underlying causes.

11. The data suggests that there is a strong correlation between the variables studied.

12. This relationship may be due to a variety of factors, including environmental and social influences.

13. The study also identified several areas where further research is needed.

14. These areas include the impact of different variables and the long-term effects of the study.

Three Rivers Flying Service Co., Inc.  
DOCKET NO. 2006-0538-PST-E  
Page 4

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

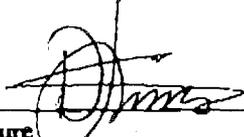
1/29/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

Jan 22 07  
\_\_\_\_\_  
Date

D SIMS  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Three Rivers Flying Service Co., Inc.

President  
\_\_\_\_\_  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

