Page 1 of 2

#### **EXECUTIVE SUMMARY - ENFORCEMENT MATTER** DOCKET NUMBER: 2004-0445-PST-E TCEQ ID NO: RN102245263 ENF ID: 14189 **RESPONDENT NAME: YARI ENTERPRISES, INC. DBA GIT N GO**

**ORDER TYPE:** 

<u>X</u> 1660 AGREED ORDER	FINDINGS AGREED ORDER	_AMENDED ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	EMERGENCY ORDER	
CASE TYPE:			
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
OCCUPATIONAL CERTIFICATION	<u>X</u> PETROLEUM STORAGE TANKS	PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY		· · · · ·

SITE WHERE VIOLATION(S) OCCURRED: 302 South 17th Street, West Columbia, Brazoria County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: X Yes No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

#### **CONTACTS AND MAILING LIST:**

TCEQ Attorney: Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500; Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEO Enforcement Coordinator: Mr. Kent Heath, Enforcement Division, MC 149, (512) 239-4575

TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623

Respondent: Mr. Serwer Ali Ajani, President, Yari Enterprises, Inc, dba Git No Go, 3911 Garnett Falls, Sugar Land, Texas 77479 Respondent's Attorney: Not represented by counsel.

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Page 2 of 2

## RESPONDENT'S NAME: YARI ENTERPRISES, INC. DBA GIT N GO DOCKET NO.: 2004-0445-PST-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint _X Routine	Total Assessed: \$17,100	Corrective Action(s) Taken
Enforcement Follow-up <u>X</u> Records Review	Total Deferred: \$8,793	The Executive Director recognizes that on August 18, 2003, the
Date(s) of Complaints Relating to this Case: None	Expedited Settlement	Respondent obtained a Storage Tank Liability policy to insure the four USTs located at the Facility against third party bodily injury
Date(s) of Investigation(s) Relating to this Case: July 31, 2003 (Investigation), April 1, 2004 (Record Review)	X Financial Inability to Pay	and property damage caused by accidental releases arising from the operation of the petroleum USTs and for taking corrective action.
Date(s) of NOV(s)/NOE(s) Relating to this Case: October 8, 2003 (NOE)	Total Paid/Due to General Revenue: \$257/\$8,050	
	The Respondent has paid \$257 of the non-deferred	Ordering Provision(s)
<b>Background Facts:</b> An EDPRP was filed on October 5, 2004. The case was referred to SOAH and an EDFARP was filed on October 7, 2005. An Agreed Order was signed on March 28,	administrative penalty. The remaining amount of \$8,050 shall be payable in 35 monthly payments of \$230 each.	1. Immediately, begin conducting inventory control for all USTs at the Facility
2006.	Site Compliance History Classification:	
	_X_HighAvgPoor	2. Within 30 days:
The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.	Person Compliance History Classification: <u>X</u> HighAvgPoor	a. begin reconciliation of inventory control records on a monthly basis;
PST:	Major Source: _Yes <u>X</u> No	<ul><li>b. conduct line leak detector tests;</li><li>c. conduct product piping tests;</li><li>d. monitor tanks for releases using one or more of the</li></ul>
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)].	Applicable Penalty Policy: September 2002	<ul> <li>e. conduct the annual and triennial Stage II testing to verify proper operation of the Stage II equipment. Specifically, test for pressure decay, vapor space manifold, and dynamic back pressure; and</li> </ul>
2. Failed to conduct manual or automatic inventory control for all USTs at the Facility, and by failing to conduct inventory control reconciliation on a monthly basis [30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B)(ii)].		<ol> <li>f. pay all outstanding fees, including any associated penalties and interest.</li> <li>Within 45 days, submit written certification of compliance</li> </ol>
3. Failed to test line leak detectors and product piping at least once per year for performance and operational liability, and by failing to monitor tanks (release detection) for releases at a frequency of at least once every month. Specifically at the time of the investigation annual testing for the lines was overdue and the Facility was not conducting proper release detection [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2)(A)(i)(III), and (b)(2)(A)(ii)(I), and TEX. WATER CODE § 26.3475(a) and (c)(1)].		notarized by a State of Texas Notary Public, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with these Ordering Provisions.
4. Failed to conduct the annual and triennial Stage II testing to verify proper operation of the Stage II equipment. Specifically, the pressure decay test must be conducted annually, and the Vapor Space Manifold and Dynamic Back-Pressure test must be conducted at least once every 3 years [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
5. Failed to pay outstanding underground storage tank fees for TCEQ Financial Administration Account No. 0059929U [30 TEX. ADMIN. CODE § 334.22(a)], and TEX. WATER CODE § 5.702].		
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# **Texas Commission on Environmental Quality**

#### INTEROFFICE MEMORANDUM

То:	Kathleen Decker, Attorney Litigation Division	Date:	March 16, 2006
Thru:	Rob Norris, Senior Financial Analyst Revenue & Financial Assurance, MC-184		
From:	Paige Seidenberger, Financial Analyst WV Revenue & Financial Assurance, MC-184		анан алан алан алан алан алан алан алан
Subject:	Yari Enterprises, Inc. Financial Review Docket No. 2004-0445-PST-E; Enforcement ID14189		

#### CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

We have reviewed the financial information submitted by Yari Enterprises, Inc. dba Git N Go ("Yari) for the purpose of evaluating the financial capabilities of Yari to pay an administrative penalty in the amount of \$17,100 and compliance costs of \$4,250. The information reviewed included: Income Tax Returns for 2002, 2003 and 2004; Unaudited Financial Statements for 12/31/02, 12/31/03, 12/31/04 and 9/30/05; Texas Workforce Commission Reports; a Schedule of Indebtedness; copies of loan documents; a letter from Wells Fargo Bank declining to renew the loan, and Articles of Incorporation. Information was also obtained from the Brazoria County Appraisal District and the Secretary of State.

Yari owns and operates a convenience store with retail sales of gasoline in West Columbia, Brazoria County, Texas. The corporate stock is owned by Serwar Ali Ajani (60%) and Ruksanah Pirani (40%). Yari was incorporated in December 2001 and purchased the subject real estate in January 2003. Financing for the purchase of the real estate was provided by the Seller (\$80,000) and Express Bank (\$363,758). The Seller note is paid in full and Wells Fargo now holds the note on the real estate with a balance of \$318,000.

The company was substantially undercapitalized at inception and has relied on shareholder loans to fund operations and meet debt service requirements. Loans from shareholders total \$366,000. The corporate assets consists of minimal cash, inventory, furniture, fixture, equipment and the real estate. All assets are used in the operation of the business and none are available for liquidation to pay the penalty. The long term note payable to Wells Fargo Bank is secured by the real estate and matures 4/16/06. The loan is personally guaranteed by Ruksanah Pirani, Karim Pirani, and Sewar Ali Ajani. The bank sent a letter to Mr. Ajani on 3/9/06 advising him that the bank will not be renewing the loan at maturity.

	Тах	Тах	Tax	Unaudited
ASSETS	2002	2003	2004	9/30/2005
Cash	4,159	5,681	2,972	6,521
Inventories	36,754	38,981	51,345	53,451
Buildings and Depreciable assets	155,000	594,710	594,710	603,432
Less accumulated depreciation	-29,287	-87,301	-127,823	-127,823
Land	0	100,000	100,000	100,000
Total Assets	166,626	652,071	621,204	635,581

#### Yari Enterprises, Inc. Financial Review Page 2

LIABILITIES AND EQUITY	Tax 2002	Tax 2003	Tax 2004	Unaudited 9/30/2005
	2.002	2000		0/00/2000
Current Liabilities	0	0	0	2,961
Loans from shareholders	169,000	225,901	325,901	366,000
Long term Notes Payable	0	431,654	328,913	326,384
Total Liabilities	169,000	657,555	654,814	695,345
Common Stock	1,000	1,000	1,000	1,000
Retained Earnings	. 0	-3,374	-6,484	-34,610
Current Earnings	-3,374	-3,110	-28,126	-26,154
Total Equity	-2,374	-5,484	-33,610	-59,764

Sales declined 29% in 2004. According to Mr. Ajani, this is a result of increased competition from an HEB store and gas station which opened in 2003 and a new Exxon station. The decline in sales resulted in a loss of \$28,107 reported in 2004. For a portion of the last quarter in 2005, Yari did not sell gas. They were unable to refill the fuel pumps since they had not paid suppliers due to cash flow problems.

· · · · · · · · · · · · · · · · · · ·	Тах	Tax	Tax	Unaudited
INCOME AND EXPENSES	2002	2003	2004	9/30/2005
Sales	1,185,521	1,177,020	830,731	644,819
Cost of Good Sold	1,085,010	1,027,001	748,170	. 556,895
Gross Profit	100,511	150,019	82,561	87,923
Other Income	12,842	24,084	25,681	· 0
Total Income	113,353	174,103	108,242	87,923
Salaries and wages	0	36,000	27,000	27,000
Repairs and maintenance	1,510	1,389	1,469	4,361
Bad Debts	2,668	38,891	0	1,500
Rents	42,087	9,000	0	0
Taxes and licenses	2,664	6,677	11,094	11,718
Interest	. 0	27,242	23,717	24,307
Depreciation	29,287	58,014	40,522	0
Bank/Telecheck/Credit Cards	2,940	0	5,620	4,280
Professional and Legal Fees	0	0	4,588	3,120
Telephone	595	0	667	2,654
Utilities	2,212	· 0	3,328	2,483
	16,968	0	13,975	
Miscellaneous	15,796	0	4,369	
Total Expenses	116,727	177,213	136,349	114,078
Net Income	-3,374	-3,110	-28,107	-26,155

Cash flow available for debt service requirements has been very inconsistent for the past 4 years. The proforma cash flow analysis below assumes that Yari's bank note is renewed on a 20 year term loan. Debt service requirements would be \$35,570, annually. Historically, this would have provided a negative cash flow of \$9,657 in 2002 and through 9/30/05 a negative cash flow of \$28,526.

#### Yari Enterprises, Inc. Financial Review Page 3

	Тах	Тах	Tax	Unaudited
ProForma Cash Flow Analysis	2002	2003	2004	9/30/2005
Net Income	-3,374	-3,110	-28,107	-26,155
Add: Interest	0	27,242	23,717	24,307
Add: Depreciation	29,287	58,014	40,522	0
Cash Flow Available for Debt Service	· 25,913	82,146	36,132	-1,848
\$318,000, 20 yrs, 9.5% (Prime + 2%)	35,570	35,570	35,570	26,678
Cash Flow After Debt Service	-9,657	46,576	562	-28,526

The minimum penalty allowed in the enforcement policy is 1% of annual sales. Based on 1% of sales reported on the 2004 tax return, the minimum penalty would be \$8,307. If this amount is paid in 36 monthly installments, the payments are \$230.75.

Based on the information reviewed, we are recommending payment of the minimum penalty of \$8,307. If the Respondent indicates a willingness or ability to pay the penalty in less than 36 months, please contact us because additional financial analysis may be warranted. Also, please send a copy of the Order after it is signed by the Respondent for our file. If there are any questions regarding our recommendation, please contact me at 512-239-6263.

TCEQ		I	Penalty Ca	alculatio	on Worksł	neet (PCW)		
	Policy Revision 2 (09/				1			Revision 2/
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		Compliance History Worksheet		
>>	Compliance H	listory Site Enhancement (Subtotal 2)		
	Component		umber Here	Adjus
	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 Any agreed final enforcement orders containing a denial of liability (number		0%
		of orders meeting criteria)	0	0%
	Orders	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	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%
	and Consent Decrees	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	Ö	0%
	Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
ĥ	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
r		Please ente	nepotenting and a second	
		Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	<u>    0%    </u> 0%
	Other	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%
L.		Adjustment Per	centage (S	
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Violation Number	1	ania ileano provinsi ana si	e e construir e presentation entre		a na serie de la competencia de	5.0	1
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	9
Buildings				0.0	\$0	\$0	9
Other (As needed)				0.0	\$0	\$0	9
Engineering/construction				0.0 ·	\$0	\$0	
Land 🗌				0.0	\$0	n/a	9
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a	\$
Remediation/Disposal				0.0	\$0	n/a	\$
Permit Costs				0.0	\$0	n/a	\$
Other (As Needed) Notes for DELAYED costs				0.0	\$0	<u>n/a</u>	
		NNUALIZE [1] av	oided costs bef	<u></u>	<u> </u>	n/a	sided costs)
Notes for DELAYED costs		NNUALIZE [1] av	oided costs bef	ore enterin	<u> </u>		
Notes for DELAYED costs		NNUALIZE [1] av	oided costs bef	<u></u>	g item (except	for one-time avo	ilded costs)
Notes for DELAYED costs Avoided Costs Disposal	A 	NNUALIZE [1] av	oided costs bef	ore enterin	g item (except \$0	t for one-time avc \$0	vided costs) \$
Notes for DELAYED costs Avoided Costs Disposal Personnel	A     	NNUALIZE [1] av	oided costs bef	ore enterin 0.0 0.0	g item (excep) \$0 \$0	for one-time avc \$0 \$0	olded costs) \$ \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	A 2,650	NNUALIZE [1] av	oided costs bef	ore enterin 0.0 0.0	g item (excep \$0 \$0 \$0	t for one-time avc \$0 \$0 \$0	oided costs) \$ \$ \$ \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip				ore enterin 0.0 0.0 0.0	g item (except \$0 \$0 \$0 \$0 \$0	t for one-time ave \$0 \$0 \$0 \$0	oided costs) \$ \$ \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]				ore enterin 0.0 0.0 0.0 0.0 0.0	g item (except \$0 \$0 \$0 \$0 \$0 \$0	t for one-time ave \$0 \$0 \$0 \$0 \$0 \$0	pided costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]		31-Jul-2003		ore enterin 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	g item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	t for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	oided costs)

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Page 5 of 12 1	1/08/06 H:\EN	FORCE\KDeck	er\Yari Enterp	rises, IncPST\Revised PC	
Screening Date	02-Apr-04	Docke	t Number 20	004-0445-PST-E	PCV
Respondent	t Yari Enterprises,	Inc. dba Git N	Go		Policy Revision 2 (09/02
Case ID No.	Case No. 14189				PCW Revision 2/10/200
Respondent/Site ID No.	PST ID No. 1481	0, RN10224526	53		
Media [Statute]	Petroleum Storag	ge Tank			
Enf. Coordinator		-			
Violation Number	. 2				
Primary Rule Cite	30 T	ex. Admin. Cod	e §§ 334.48(c	) and 334.50(d)(1)(B)(ii)	
Secondary Cite(s)		ngge <del>r stationen sekielijkelijke</del> n statet		<u>a na sena na s</u>	
Violation Description	Failure to cor			entory control for all USTs a I reconciliation on a monthly	/ basis.
				Base	Penalty \$10,00
<ul> <li>Environmental,</li> </ul>	Property and H	luman Healt	h Matrix		•
And a second sec		Harm			•
Release	Major	Moderate	Minor		•
OR Actual					•
Potentia	X	eromologiin assoinis i issues, viin et Ma		Percent	25%
					•
» Programmatic	Matrix				•
Falsification	Major	Moderate	Minor	furmeri 1.110-0000000	11111-1010-101111-1010-101111-101-1
OR				Percent	
Notes		ironmental rece		ve of human health Adjustment Base Penalty S	-\$7,500 · · · · · Subtotal \$2,50
Violation Event	c			Duse I churcy E	Ψ <u>2</u> ,000
	iolation Events	2	1		
mark only one; use small x	daily monthly quarterly				· · · · · · · · · · · · · · · · · · ·
	semiannual annual single event	X		Violation Base F	Penalty \$5,00
Notes during the July 31 to	, 2003, investigation make the penalty	on, to the July 2 commensurate	5, 2004, settle with the situat		
Economic Bene	ent (EB) for this	violation	S	tatutory Limit Test	
Estimated 1	EB Amount (\$)	\$163	- The second sec	Violation Final Penal	ty total \$4,50
	This Vio	lation Final	Assessed	Penalty (adjusted for	<i>limits)</i> \$4,50

Page 6 of 12	2 <u>11/08/06</u>	H:\ENFORCE\KDe			ST\Revised PC	W 11-08-06.qpw	
		Economic I	Benefit Worl	sheet			
a da de terretaria de la composición de	Yari Enterprises, In	c. dba Git N Go			L.		
ID Number(s)					8	Percent	Years of
Media [Statute]	Petroleum Storage	Tank			13. 13. 14.	Interest	Depreciation
Violation Number	2	an a		فالأليا ورواد الارتبار بالارتبار	an a state and a state of the s	5.0	15
item Description	Item Cost No commas or \$	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
Avoided Costs		ANNUALIZE [1] av	alided exets hafe	vo optorio	a Itom (orcont	for one-time ave	Idad costs)
Disposal	- Filmer - Filmer		olded costs berc	0.0	so	\$0	\$0
Personnel		-	-	0.0	\$0	\$0	\$0
spection/Reporting/Sampling	\$100	31-Jul-2003	18-Feb-2005	1.6	\$8	\$156	\$163
Supplies/equip			-	0.0	\$0	\$0	\$0
Financial Assurance [2]	224-2499 G	and the second		0.0	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]			-	0.0	\$0 \$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0	\$0
Notes for AVOIDED costs		Estimated co	ost to conduct mar				
	학생님께 잘 벗어난 것을 걸었다. 그는 소문을 했다.					A REAL PROPERTY AND A REAL	

Screening Date	an general designed and the rest of a second sec	second have a second of a beaution of the second	nterprises, IncPST\Revised	i i i i i i i i i i i i i i i i i i i	
instance in the second s	: 02-Apr-04	Docket Numb	er 2004-0445-PST-E	Delieu Beviele	PCW
Respondent	Yari Enterprises, Ir	ic. dba Git N Go		Policy Revisio	
Case ID No.	Case No. 14189			PCW Revision	12/10/2004
<b>Respondent/Site ID No.</b>	PST ID No. 14810,	RN102245263			
Media [Statute]	Petroleum Storage	Tank			
Enf. Coordinator	' Kent Heath				
Violation Number					
Primary Rule Cite	30 Tex. Admir	n. Code § 334.50(b)(1)	(A), (b)(2)(A)(i)(III) and (b)(2)	)(A)(ii)(I)	
Secondary Cite(s)	)	Tex. Water Code § 2	26.3475(a) and (c)(1)		
Violation Description	performance an detection) for rele at the time of the	nd operational reliabilit ases at a frequency of investigation annual t	oroduct piping at least once p y, and failure to monitor tanks at least once every month. esting for the lines was overo g proper release detection.	s (release Specifically,	
			В	ase Penalty	\$10,000
» Environmental,	Property and Hi	uman Health Matri	x		
		Harm			
Release	e Major	Moderate Mino			
OR Actua	1				•
Potentia			Percent	25%	
	Line Line		Autorian Autorian		
» Programmatic	Matrix				
Falsification	Major	Moderate Mino	•		•
OR			Percent		
Matrix Matrix	e leak delectors, pro-	auct lines, and conduc	t release detection could		
result in a rele	ease of significant an	nount of product which alth and environmenta	would exceed levels receptors.	-\$7,500	
Notes result in a rele	ease of significant ar tective of human hea	nount of product which	would exceed levels receptors.	-\$7,500 • • • • ty Subtotal	\$2,500
result in a rele	ease of significant ar tective of human hea	nount of product which	would exceed levels receptors.		\$2,500
Violation Event	ease of significant ar tective of human hea s iolation Events	nount of product which	would exceed levels receptors.		\$2,500
Notes result in a release pro	ease of significant ar tective of human hea s iolation Events	nount of product which alth and environmenta	would exceed levels receptors.	ty Subtotal	• • • • • •
Violation Event Notes Violation Event Number of V mark only one; use small >	ease of significant ar tective of human heat signation Events daily daily quarterly semiannual annual single event events are recomment, 2003 investigation	2	Adjustment Adjustment Base Penal Violation Base nentation of the violation settlement deadline date,	ty Subtotal	• • • • • •
Notes     result in a relepton       Violation Event       Number of V       mark only one; use small of the semiannual during the July 31 to the semiannual during the semiannual during the July 31 to the semiannual during the semiannual durin	ease of significant ar tective of human heat iolation Events daily quarterly semiannual annual single event vevents are recommend vevents are recommend ve	2 2 2 x ended based on docur to the July 25, 2004, journensurate with the	Adjustment Adjustment Base Penal Violation Base nentation of the violation settlement deadline date, situation.	ty Subtotal	•
Notes     result in a relepton       Violation Event       Number of V       mark only one; use small >       Events       Two semiannual       during the July 31       Economic Beneric	ease of significant ar tective of human heat signation Events daily daily quarterly semiannual annual single event events are recomment, 2003 investigation	2 2 2 x ended based on docur to the July 25, 2004, journensurate with the	Adjustment Adjustment Base Penal Violation Base nentation of the violation settlement deadline date,	ty Subtotal	\$2,500 \$5,000 \$4,500
Notes     result in a relepton       Violation Event       Number of V       mark only one; use small >       Events       Two semiannual       during the July 31       Economic Beneric	ease of significant ar tective of human heat signation Events daily daily quarterly semiannual single event vevents are recommend vevents are recommend of the penalty of efit (EB) for this vertice EB Amount (\$)	2	Adjustment Base Penal Violation Base Violation Base settlement deadline date, situation.	ty Subtotal	• • • • • • • • • • • • • • • • • • •

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Page 8 of 12	<u>11/08/06</u>	H:\ENFORCE\KDe	ecker\Yari Enterpr Benefit Wor		Revised PC	W 11-08-06.qpw	
Respondent \	Yari Enterprises, In				ll distali di se suddis de	ana ang ang ang ang ang ang ang ang ang	elimatic sulo to su to bile da da d
ID Number(s)	•	0. 454 0111 00				Percent	Years of
Media [Statute] F		Tank				Interest	Depreciation
Violation Number	3					5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date		iterest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	T. T			0.0	\$0	\$0	\$C
Buildings				0.0	\$0	\$0	\$C
Other (As needed)				0.0	\$0	\$0	\$C
Engineering/construction				0.0	\$0	\$0	\$C
Land				0.0	\$0	n/a	\$C
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	\$C
Avoided Costs		NNUALIZE [1] av	oided costs befo	ore entering l	item (except	for one-time avc	ided costs)
Disposal		17.14.2.4.34.4.4		0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$750	31-Jul-2003	18-Feb-2005	1.6	\$58	\$1,167	\$1,225
Supplies/equip				0.0	\$0	\$0	\$0
Bubbuewedub							Ψ 9
Financial Assurance [2]				0.0	\$0	\$0	
				0.0	\$0 \$0	\$0 \$0	\$0
Financial Assurance [2]							\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	Estimated cost to c	onduct release de	tection. The Resp product piping tes	0.0 0.0	\$0 \$0 ssfully passed	\$0 \$0	\$0 \$0 \$0

Page 9 of 12 11	/08/06 H:\ENFORCE\k	(Decker\Yari Enter	prises, IncPST\Revised PC	
Screening Date	02-Apr-04 🛛 🛛 🖸	ocket Number	2004-0445-PST-E	PCM
Respondent	Yari Enterprises, Inc. dba	Git N Go		Policy Revision 2 (09/02
Case ID No.	Case No. 14189			PCW Revision 2/10/2004
Respondent/Site ID No.	PST ID No. 14810, RN102	245263		
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Kent Heath			
Violation Number	4			
<b>Primary Rule Cite</b>	30	Tex. Admin. Code	e § 115.245(2)	
Secondary Cite(s)	Tex.	Health & Safety Co	ode § 382.085(b)	
Violation Description	operation of the Stage II e conducted annually, and	quipment. Specifi the Vapor Space M	al Stage II testing to verify p cally, the pressure decay tes /anifold and Dynamic Back- ist once every 3 years.	st must be
			Base	e Penalty \$10,000
» Environmental,	Property and Human I	Health Matrix		
	Har			,
Release	Major Moder	ate Minor		
OR Actual				
Potential	x		Percent	25%
1 Oterhiar	Lease and the second	in a second s	an a	
» Programmatic N	/atrix			
		ate Minor		
Falsification	Major Moder		Percent	
<u> </u>				
Matrix Failing to conduct Notes	t Stage II testing could resu ould exceed levels protectiv recepto	e of human health	ignificant amount of and environmental	
			Adjustment	-\$7,500 • • • •
			Base Penalty	Subtotal \$2,500
Violation Events				**************************************
	olation Events 2		· · · · · ·	
mark only one; use small x	daily monthly quarterly			
	semiannual annual single event		Violation Base	Penalty \$5,000
Events Notes	s are recommended based vestigation, to the July 25, the penalty commensurat	2004, settlement of	leadline date, to make	
Economic Bene	fit (EB) for this violatio	n	Statutory Limit Test	
Estimated H	EB Amount (\$)	\$58	Violation Final Pena	Ity total \$4,500
	This Violation F	Final Assessed	l Penalty (adjusted fo	r limits) \$4,500

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ID Number(s)	Yari Enterprises, In						
	Case No. 14189					Percent	Years of
	Petroleum Storage	Tank				Interest	Depreciation
Violation Number	4				17 m	5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	· \$0
Buildings				0.0	\$0	\$0	\$(
Other (As needed)	nin antarandra transmission ann ann ann ann ann			0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$(
Land	ainingangandan sukan dina ana ang ara.			0.0	\$0	n/a	\$C
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	an in the state of			0.0	\$0	n/a	\$C
					1.2.1	No. 1.	•
Remediation/Disposal				0.0	\$0	n/a	\$0
				0.0		n/a n/a	
Remediation/Disposal	\$750 Estimated cost to d			0.0 1.6 e Responde	\$0 \$58	n/a n/a assed the vapor s	\$( \$58
Remediation/Disposal Permit Costs Other (As Needed)	Estimated cost to d	conduct the pressu	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o	\$0 \$58 ent sucessfully p n August 27, 200	n/a n/a assed the vapor s 03.	\$C \$58 space manifold,
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o	\$0 \$58 ent sucessfully p n August 27, 200	n/a n/a assed the vapor s 03.	\$C \$58 space manifold, sided costs)
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin	\$0 \$58 ent sucessfully p in August 27, 200 ig item (except 1	n/a n/a assed the vapor 33. for one-time avo	\$C \$58 space manifold, sided costs) \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0	\$0 \$58 ent sucessfully p n August 27, 200 ig item (except t \$0	n/a n/a assed the vapor s 03. for one-time avo \$0	\$C \$58 space manifold, sided costs) \$C \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Respond sure tests o ore enterin 0.0 0.0	\$0 \$58 ent sucessfully p in August 27, 200 ig item (except 1 \$0 \$0	n/a n/a assed the vapor s oa. for one-time avo \$0 \$0	\$C \$58 space manifold, bided costs) \$C \$C \$C \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0	\$0 \$58 ent sucessfully p in August 27, 200 ig item (except i \$0 \$0 \$0	n/a n/a assed the vapor s 03. for one-time avo \$0 \$0 \$0	\$C \$58 space manifold, sided costs) \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel spection/Reporting/Sampling Supplies/equip Financial Assurance [2]	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0 0.0	\$0 \$58 ent sucessfully p in August 27, 200 ig item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a assed the vapor s 03. for one-time avo \$0 \$0 \$0 \$0 \$0	\$C \$58 space manifold, sided costs) \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel sspection/Reporting/Sampling Supplies/equip	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0 0.0 0.0	\$0 \$58 ent sucessfully p in August 27, 200 ig item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a assed the vapor s o3. for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$C \$58 space manifold, bided costs) \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C \$C
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Disposal Personnel aspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$58 ent sucessfully p n August 27, 200 ig item (except + \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a assed the vapor s 03. for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$58 space manifold, sided costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$58 ent sucessfully p n August 27, 200 ig item (except + \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a assed the vapor s 03. for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$( \$58 space manifold, sided costs) \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$(
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost to d	conduct the pressu and dyr	re decay test, Th namic back-press	0.0 1.6 e Responde sure tests o ore enterin 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$58 ent sucessfully p n August 27, 200 ig item (except + \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a assed the vapor s 03. for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	

	Screening Date Respondent	02-Apr-04 Yari Enterprises, Inc.		ber 2004-0445-PST-E	Policy Revis	PCN ion 2 (09/02
		Case No. 14189	uba Git N Gu		PCW Revisi	on 2/10/2004
Respor	and the second	PST ID No. 14810, R	N102245263			
respon		Petroleum Storage T				
	Enf. Coordinator	-				
1	iolation Number	5				
{	rimary Rule Cite		30 Tex. Admin.	Code § 334.22(a)		
	Secondary Cite(s)			Code § 5.702		
Viol	ation Description	Failed to pay outs Administration Acc	ount No. 0059929L	ld storage tank fees for TCEQ J, as documented during a rec n April 1, 2004.	Financial ord review	
	Ľ	-		Ba	ase Penalty	\$10,00
»	Environmental, I	Property and Hum	nan Health Matr	and a second	Seaturement	•
			Harm			•
	Release	Major N	Moderate Mind	or		•
OR	Actual					•
	Potential	<u>e </u>		Percent		•
						•
»	Programmatic M					•
0.0	Falsification	Major N	Moderate Mind			•
OR			- Reality	Percent		
Matrix						
Notes						
				Adjustment	-\$10,000 • •	
				Base Penal	ty Subtotal	\$(
	Violation Events	(maintaine)				•
	Number of Vio	olation Events				
mark	only one; use small x	daily				•
		monthly				
****		semiannual		Violation Bas	e Penaltv	\$(
		annual			· · · · · · · · · ·	
		single event				
Events Notes	No administrative p	enalty was calculated be assessed durin	I for this violation as ng the next billing cy	s penalties and interest will /cle.		
	Economic Benef	fit (EB) for this vio	lation	Statutory Limit Test		
	Estimated <b>E</b>	B Amount (\$)	\$0	Violation Final Pe	naltv total	\$(
	Lonnuccu L		ΨŪ		an descent of the second se	2000,000,000,000,000,000,000,000,000,00

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		nomic Benefit V			W 11-08-06.qpw	
<b>Respondent</b> Ye	ari Enterprises, Inc. dba (	· · · · · · · · · · · · · · · · · · ·				
<b>ID Number(s)</b> Ca					Percent	Years of
	etroleum Storage Tank				Interest	Depreciation
Violation Number	5				5.0	15
	ltem Da	ate Final	Yrs I	nterest	Onetime	EB
Item		uired Date	승규는 것 같	Saved	Costs	Amount
Description N	No commas or \$					48.178. <u>78.188</u> .48
	ى بىر بىرىشىرى		Ascentrative Contact			1902 and the set
Delayed Costs					<u> </u>	
Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (As needed)	nie werden eine mei geben after bestellte eine der eine bestellte eine der eine der eine bestellte eine der eine		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	\$O	n/a	\$0
			nomic benefit for			
Avoided Costs			The second s			PERSONAL SECTION
	ANNUA	LIZE [1] avoided costs				
Disposal	ANNUA	LIZE [1] avoided costs	0.0	\$0	\$0	\$0
Disposal Personnel		LIZE [1] avoided costs	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling		LIZE [1] avoided costs	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip		LIZE [1] avoided costs	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling		LIZE [1] avoided costs	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip		LIZE [1] avoided costs	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		LIZE [1] avoided costs	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]		LIZE [1] avoided costs	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	bided costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

•

	Training Wish		list for FY 07	07							
		1 1									
Attorney:	Burnett	Dickenson Dobecki	Dobecki	Marvin	Minerve	Ogilvie	Paterson	Robards	Stokes	Talcott	Totals
Course											\$ 2,617.50
Advanced Admin Law						195.00					195.00
Bankruptcy									300.00		300.00
Constr Law				172.50							172.50
Cost Analysis/Payment											
Methods					Cost?						2
Federal Procurement Law					Cost?						2
Fraud Course, SAO									Cost?		2
Software Licensing					650.00					650.00	1,300.00
Contracts										Cost?	
Auditing					Cost?						2
Grants Management					450.00						450.00
Counseling the Agency							200.00				200.00
Totals	0.00	0.00	0.00	172.50	1,100.00	195.00	0 200.00	0.00	300.00	650.00	) \$ 2,617.50
						an a					

-1

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#### Training by Class, GLD - Contracts Team

#### <u>Updated: 19-Oct-06</u>

Date	Course	<u>S</u>	<u>cheduled</u>	<u>Actual</u>	<u>Note</u>	Atty	<u>Provider</u>	<u>Travel?</u>
Oct 6-7	Basic Texas Construction Law	\$	280.00		reg = \$375	Stokes	State Bar	Austin
Oct 6-7	Basic Texas Construction Law	\$	280.00		reg = \$375	Paterson	State Bar	Austin
00007	Busie Texas Construction Latt	Ψ	200.00					
Nov 3.	Government Contracting	\$	195.00			Dickenson	ABA	San Antonio
Nov 16-17	25th Annual Bankruptcy Conf.	\$	300.00		reg = \$485	Ogilvie	UTCLE	Austin
Dec 7-9	10th Annual Insurance Law CLE	\$	295.00		reg = \$450	Minerve	UTCLE	no
Dec 7-9	10th Annual Insurance Law CLE	\$	295.00		reg = \$450	Ogilvie	UTCLE	no
					U	U		
March 1-2	19th Annual Construction Law	\$	172.50		reg = \$400	Burnett	State Bar	San Antonio
March 1-2	19th Annual Construction Law	\$	172.50		reg = \$400	Dobecki	State Bar	San Antonio
March 1-2	19th Annual Construction Law	\$	172.50		reg = \$400	Marvin	State Bar	San Antonio
March 1-2	19th Annual Construction Law	\$	172.50		reg = \$400	Minerve	State Bar	San Antonio
March 1-2	19th Annual Construction Law	\$	172.50		reg = \$400	Talcott	State Bar	San Antonio
Spring	Annual Rural Ag Law Seminar	\$	25.00		,	Burnett	State Bar	
?	Insurance, Advance	\$	295.00			Stokes		
?	Insurance, Advance	\$	295.00			Talcott		
May/June?	Software Licensing	\$	650.00			Marvin	Sem Today	
May/June ?	Software Licensing	\$	650.00			Robards	Sem Today	
July ?	College/Bar Summer School	\$	225.00			Dobecki	Colleg/Bar	Galveston
August 3-4	Environmental Superconference	\$	175.00			Burnett		no
August 3-4	Environmental Superconference	\$	175.00			Talcott		no
August 3-4	Environmental Superconference	\$	175.00		•	Dobecki		no
August 3-4	Environmental Superconference	\$	175.00			Paterson		no
		•						
?	Construction Law Online	\$	150.00			Burnett		no
	Training Totals	<u>\$</u> :	5 <u>,497.50</u>	<u>\$</u>				. "

Note 1: FY06 final actual total was \$5,825.00.

FY 2007

Note 2: FY07 core requirements originally planned = \$5,052.50.

C:\Documents and Settings\aburnett\Desktop\FY07 training budget versus actual- Excel Conversion test.xls

# Compliance History

Custome	/Respondent/Owner-Operator:	CN601601768	Yari Enterprises Inc.		Classification	: HIGH	Rating: 0.00	
Regulated	d Entity:	RN102245263	GIT N GO		Classification	: HIGH	Site Rating:	0.00
ID Numbe	er(s):	PETROLEUM STO REGISTRATION	RAGE TANK	REGISTRA	FION		14810	
Location:			ST COLUMBIA, TX, 77486	R	ating Date: 9/1/	03 Repeat Viol	ator: No	
TCEQ Re	gion:	REGION 12 - HOUS	STON					
Date Com	pliance History Prepared:	March 25, 2004						
Agency D	ecision Requiring Compliance History:	Enforcement						
Complian	ce Period:	March 25, 1999 to M	larch 25, 2004					
TCEQ Sta	aff Member to Contact for Additional Infor	mation Regarding this	Compliance History					
Name:	Kent Heath	Phone	e: (512) 239-4575					
		Site Con	npliance History Compo	onents				
1. Has the	e site been in existence and/or operation	for the full five year co	mpliance period?	Yes				
2. Has the	ere been a (known) change in ownership	of the site during the c	compliance period?	No				
3. If Yes,	who is the current owner?		x	N/A				
4. if Yes,	who was/were the prior owner(s)?			N/A				
5. When	did the change(s) in ownership occur?			N/A				
Compor	nents (Multimedia) for the Site :							
A.	Final Enforcement Orders, court judgem	ents, and consent de	crees of the state of Texas a	nd the federal	government.			
	N/A							
В.	Any criminal convictions of the state of T	Fexas and the federal	government					
D.	N/A		govorninoni					
C.	Chronic excessive emissions events.							
	N/A							
D.	The approval dates of investigations. (C 1 11/04/1999 (55530)	CEDS Inv. Track. No.	)					
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No.)						
	N/A							
F.	Environmental audits.							
1.								
	N/A							
G.	Type of environmental management sys	tems (EMSs).			•			
	N/A							
H.	Voluntary on-site compliance assessmen	nt dates.						
	N/A							
l.	Participation in a voluntary pollution redu	ction program.						
	N/A							
J.	Early compliance.							
	N/A							
Sites Outs	ide of Texas							
Child Ould								
	N/A							

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION AGAINST YARI ENTERPRISES, INC. DBA GIT N GO; RN102245263 BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2004-0445-PST-E

\$ \$ \$ \$ \$ \$

#### I. JURISDICTION AND STIPULATIONS

At its **DEC 06 2006** agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Yari Enterprises, Inc. dba Git N Go ("Yari") under the authority of TEX. WATER CODE chs. 5, 7 and 26; and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Yari appear before the Commission and together stipulate that:

- 1. Yari owns a convenience store with retail sales of gasoline located at 302 South 17<sup>th</sup> Street, West Columbia, Brazoria County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 5 and 26; TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
- 3. The Commission and Yari agree that the Commission has jurisdiction to enter this Agreed Order, and that Yari is subject to the Commission's jurisdiction.
- 4. Yari received notice of the violations alleged in Section II ("Allegations") on or about October 13, 2003.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Yari of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of seventeen thousand one hundred dollars (\$17,100.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by Yari and determined that Yari is unable to pay part of the administrative penalty. Therefore, eight thousand seven hundred ninety-three (\$8,793.00) of the penalty is deferred contingent upon Yari'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 Yari fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Yari to pay all or part of the deferred penalty.

Yari has paid two hundred fifty-seven dollars (\$257.00) of the un-deferred administrative penalty. The remaining amount of eight thousand fifty dollars (\$8,050.00) shall be payable in thirty-five monthly payments of two hundred thirty dollars (\$230.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payment shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Yari fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the acceleration of any remaining balance constitutes the failure of Yari to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

- 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 Yari 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 on August 18, 2003, Yari obtained a Storage Tank Liability policy to insure the four USTs located at the Facility against third party bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs and for taking corrective action.
- 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 Yari 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.

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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**

Yari is alleged to have violated:

- a. 30 TEX. ADMIN. CODE § 37.815(a) and (b), by failing 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), as documented during an inspection conducted on July 31, 2003.
- b. 30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B)(ii), by failing to conduct manual or automatic inventory control for all USTs at the Facility, and by failing to conduct inventory control reconciliation on a monthly basis, as documented during an inspection conducted on July 31, 2003.
- c. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2)(A)(i)(III), and (b)(2)(A)(ii)(I) and TEX. WATER CODE § 26.3475(a) and (c)(1), by failing to test line leak detectors and product piping at least once per year for performance and operational reliability, and by failing to monitor tanks (release detection) for releases at a frequency of at least once every month. Specifically, at the time of the investigation annual testing for the lines was overdue and the Facility was not conducting proper release detection, as documented during an inspection conducted on July 31, 2003.
- d. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct the annual and triennial Stage II testing to verify proper operation of the Stage II equipment. Specifically, the pressure decay test must be conducted annually, and the Vapor Space Manifold and Dynamic Back-Pressure test must be conducted at lest once every 3 years, as documented during an inspection conducted on July 31, 2003.
- e. 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702, by failing to pay outstanding underground storage tank fees for TCEQ Financial Administration Account No. 0059929U, as documented during a record review conducted on April 1, 2004.

#### **III. DENIALS**

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

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Yari pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Yari'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 considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Yari Enterprises, Inc. dba Git N Go, Docket No. 2004-0445-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. Immediately upon the effective date of this Agreed Order, Yari shall begin conducting inventory control for all USTs at the Facility in accordance with 30 TEX. ADMIN. CODE § 334.48(c) (relating to Inventory Control).
- 3. Within 30 days after the effective date of this Agreed Order, Yari shall:
  - a. Begin reconciliation of inventory control records on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) (relating to Release Detection).
  - b. Conduct line leak detector tests, in accordance with 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(ii)(III).
  - c. Conduct product piping tests, in accordance with 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(ii)(I).
  - d. Monitor tanks for releases using one or more of the release detection methods described in 30 TEX. ADMIN. CODE § 334.50(d)(4) through (10), in accordance with 30 TEX. ADMIN. CODE 334.50(b)(1)(A).

- e. Conduct the annual and triennial Stage II testing to verify proper operation of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245(2). Specifically, test for pressure decay, vapor space manifold, and dynamic back pressure; and,
- f. Pay all outstanding fees, including any associated penalties and interest with the notation, "Yari Enterprises, Inc. dba Git N Go, TCEQ Financial Administration Account No. 0059929U" 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

4. Within 45 days after the effective date of this Agreed Order, Yari shall submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2 and 3.

The documentation shall be accompanied by a certification notarized by a State of Texas Notary Public and 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 fine and imprisonment for knowing violations. The certification shall be submitted to:

> Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

and

> Ms. Marsha Hill Houston Waste Section Manager Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1452

- 5. The provisions of this Agreed Order shall apply to and be binding upon Yari. Yari 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.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Yari 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.
- 7. 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.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Yari, or three days after the date on which the Commission mails notice of the Order to Yari, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

#### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

6 22 06

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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

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03280B

Title Authorized Representative of Yari Enterprises, Inc. dba Git N Go Kathleen Hartnett White, *Chairman* Larry R. Soward, *Commissioner* H. S. Buddy Garcia, *Commissioner* Glenn Shankle, *Executive Director* 



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2007

#### TO: All Persons on Mailing List

RE: TCEQ Docket No. 2004-0445-PST-E; In the matter of an Agreed Order concerning the Yari Enterprises, Inc. dba Git N Go.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on April 25, 2007 at 9:30 A.M. in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Should you need any additional information, please contact Paul Munguía at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

astamuel

LaDonna Castañuela Chief Clerk

LDC/pm

#### MAILING LIST YARI ENTERPRISES, INC. DBA GIT N GO TCEQ DOCKET NO. 2004-0445-PST-E

Serwer Ali Ajani, President Yari Enterprises, Inc. dba Git N Go 3911 Garnett Falls Sugar Land, Texas 77479

Kathleen C. Decker Jennifer Cook Texas Commission on Environmental Quality Legal Division, MC-175 P.O. Box 13087 Austin, Texas 78711-3087 Tel: (512) 239-3400 Fax: (512) 239-3434

Kent Heath TCEQ Enforcement Division MC-149 P.O. Box 13087 Austin, Texas 78711-3087 Tel: (512) 239-4575 Fax: (512) 239-2550

Nicole Bealle TCEQ Houston Regional Office MC-R-12 5425 Polk Ave., Ste. H Houston, Texas 77023-1452 Tel: (713) 767-3500 Fax: (713) 767-3520

Blas Coy, Jr. Texas Commission on Environmental Quality Office Public Interest Counsel, MC-103 P.O. Box 13087 Austin, Texas 78711-3087 Tel: (512) 239-6363 Fax: (512) 239-6377 Bridget Bohac, Acting Director TCEQ Office of Public Assistance MC-108 P.O. Box 13087 Austin, Texas 78711-3087 Tel: (512) 239-4000 Fax: (512) 239-4007

Docket Clerk Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105 P.O. Box 13087 Austin, Texas 78711-3087 Tel: (512) 239-3300 Fax: (512) 239-3311 Kathleen Hartnett White, *Chairman* R. B. "Ralph" Marquez, *Commissioner* Larry R. Soward, *Commissioner* Glenn Shankle, *Executive Director* 



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 4, 2007

#### To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: TCEQ Docket No. 2004-0445-PST-E: An Agreed Order assessing administrative penalties and requiring certain actions of Yari Enterprises, Inc., dba Git N Go in Brazoria County.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its January 10, 2007, public meeting. However, the Office of General Counsel has determined the need to continue the matter from this meeting.

Accordingly, this matter is continued to a future public meeting to be determined by the Commission, pursuant to 30 TAC § 10.4. The Office of General Counsel will provide the parties with notice of the next setting in a separate letter once the matter is scheduled in the future.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at 512/239-2941.

Respectfully,

Derek Seal

General Counsel



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INVINUSION INVINUSION OUVUITY

Mailing List

#### Mailing List Yari Enterprises, Inc. dba Git N Go TCEQ Docket No. 2004-0445-PST-E

Serwer Ali Ajani, President Yari Enterprises, Inc. dba Git N Go 3911 Garnett Falls Sugar Land, Texas 77479

Jennifer Cook TCEQ Litigation Division MC 175 P.O. Box 13087 Austin, Texas 78711-3087 512/239-3400 FAX 512/239-3434

Blas Coy TCEQ Office of Public Interest Counsel MC 103 P.O. Box 13087 Austin, Texas 78711-3087 512/239-6363 FAX 512/239-6377

Docket Clerk TCEQ Office of Chief Clerk MC 105 P.O. Box 13087 Austin, Texas 78711-3087 512/239-3300 FAX 512/239-3311

Jody Henneke TCEQ Office of Public Assistance MC 108 P.O. Box 13087 Austin, Texas 78711-3087 512/239-4000 FAX 512/239-4007 Kathleen Hartnett White, *Chairman* Larry R. Soward, *Commissioner* Martin A. Hubert, *Commissioner* Glenn Shankle, *Executive Director* 



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2006

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: An Agreed Order assessing administrative penalties and requiring certain actions of Yari Enterprises, Inc. dba Git N Go in Brazoria County; TCEQ Docket No. 2004-0445-PST-E.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its December 6, 2006, public meeting. However, the Office of General Counsel has determined the need to continue the matter from this meeting.

Accordingly, this matter is continued to the Commission's public meeting on Wednesday, January 10, 2007, beginning at 9:30 A.M., pursuant to 30 TAC § 10.4. The meeting will take place in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at 512/239-2941.

Respectfully,

Derek Seal General Counsel

Mailing List

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: printed on recycled paper using soy-based ink

Internet address: www.tceq.state.tx.us

#### Mailing List Yari Enterprises, Inc. dba Git N Go TCEQ Docket No. 2004-0445-PST-E

Serwer Ali Ajani, President Yari Enterprises, Inc. dba Git N Go 3911 Garnett Falls Sugar Land, Texas 77479

Jennifer Cook TCEQ Litigation Division MC 175 P.O. Box 13087 Austin, Texas 78711-3087 512/239-3400 FAX 512/239-3434

Blas Coy TCEQ Office of Public Interest Counsel MC 103 P.O. Box 13087 Austin, Texas 78711-3087 512/239-6363 FAX 512/239-6377

Docket Clerk TCEQ Office of Chief Clerk MC 105 P.O. Box 13087 Austin, Texas 78711-3087 512/239-3300 FAX 512/239-3311

Jody Henneke TCEQ Office of Public Assistance MC 108 P.O. Box 13087 Austin, Texas 78711-3087 512/239-4000 FAX 512/239-4007