

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2003-0953-PST-E TCEQ ID NO: RN101494268 ENF. ID NO.: 9140

RESPONDENT NAME: ABDUL H. AZIZ AL-SURMI AKA AZIZ AL-SURMI DBA YEMCO PETROLEUM

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: 5327 Cameron Road, Austin, Travis County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no previous 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 October 9, 2006. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney:** Mr. Mark Curnutt, Litigation Division, MC 175, (512) 239-0624; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
- TCEQ Enforcement Coordinator:** Mr. Sandy Van Cleave, Enforcement Division, Section I, MC 169, (512) 239-0667
- TCEQ Regional Contact:** Mr. Barry Kalda, Austin Regional Office, MC R-11, (512) 339-2929
- Respondent:** Mr. Aziz Al-Surmi, Owner, Yemco Petroleum, 5327 Cameron Road, Austin, Texas 78723
- Respondent's Attorney:** Mr. Steven R. Hake, Attorney at Law, 1306 Guadalupe Street, Austin, Texas 78701

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: July 1, 2002</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: September 27, 2002 (NOV)</p> <p>Background Facts: An EDPRP was filed on December 21, 2004. The Respondent filed an Answer and requested a hearing on February 8, 2005. The case was referred to SOAH and a Preliminary Hearing was held on July 20, 2005. An Agreed Order was sent to the Respondent on November 14, 2005. On November 22, 2005 the signed Agreed Order and initial payment were received.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST</p> <p>Failed to demonstrate financial responsibility 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 [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p>Initial Calculated Penalty: \$5,250</p> <p>Total Assessed: \$4,750 *</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid / Due to General Revenue: \$271 / \$4,750</p> <p>The Respondent has paid \$271 of the administrative penalty. The remaining amount of \$4,479 of the administrative penalty shall be payable in one monthly payment of \$159 followed by sixteen monthly payments of \$270 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Explanation of Initial Calculated Penalty Reduction:</p> <p>* The penalty was reduced based on risks of Litigation.</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent has obtained the required financial responsibility for the USTs on November 1, 2004.</p>

Penalty Calculation Worksheet (PCW)



Policy Revision 2 (09/02)

PCW Revision 6/12/2003

DATES	
PCW	1-Dec-2004
Screening	15-Sep-2003
Priority Due	13-Jan-2004
EPA Due	
RESPONDENT INFORMATION	
Respondent	Abdul H. Aziz Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum
Respondent/Site ID No(s)	Petroleum Storage Tank Facility ID No. 38594
Facility/Site Region	11 - Austin
Major/Minor Source	Minor
CASE INFORMATION	
Enf./Case ID No(s)	Enforcement Case No. 9140
Docket No.	2003-0953-PST-E
Case Priority	3
Enf. Coordinator	Sandy VanCleave
Media Program(s)	Petroleum Storage Tank
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000
No. Violations	1
Order Type	1660 without deferral
EC's Team	Enforcement Team A

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	5% Enhancement	Subtotals 2, 3 & 7 \$250
Notes	The Respondent received a Notice of Violation dated September 27, 2002, for the same or similar violation at this facility.	
Culpability	0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	0% Reduction	Subtotal 5 \$0
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer
Ordinary		
None of the above	X	(mark with small x)
Notes	The Respondent does not meet the good faith criteria.	
Economic Benefit	0% Enhancement*	Subtotal 6 \$0
	\$3,413 Total EB Amounts	*Capped at the Total EB \$ Amount
	\$3,250 Approx. Cost of Compliance	=
SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,250
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)		
Notes		
	Final Penalty Amount	\$5,250
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,250
DEFERRAL	Deferral	Reduction
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)		
Notes	No deferral is recommended because the Respondent received a Notice of Violation dated September 27, 2002, regarding the instant case.	
PAYABLE PENALTY		\$5,250

Screening Date	15-Sep-2003	Docket Number	2003-0953-PST-E	PCW
Respondent	Aziz Al-Surmi and Dwarkesh Investment Inc. dba Yemco Petroleum		Policy Revision 2 (09/02)	
Case ID No.	Enforcement Case No. 9140	PCW Revision 6/12/2003		
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 38594			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Sandy VanCleave			
Site Address	5327 Cameron Road, Austin, Travis County			

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>	1	5%
	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 submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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) 5%

>> **Repeat Violator (Subtotal 3)**

No Select Yes/No **Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer Select High, Average or Poor **Adjustment Percentage (Subtotal 7)** 0%

Compliance History Summary

Compliance History Notes The Respondent received a Notice of Violation dated September 27, 2002, for the same or similar violation at this facility.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 5%

Screening Date 15-Sep-03	Docket Number 2003-0953-PST-E	PCW
Respondent Aziz Al-Surmi and Dwarakesh Investment Inc. dba Yemco Petroleum		Revision 2 (09/02)
Case ID No. Enforcement Case No. 9140		PCW Revision 6/12/2003
Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 38594		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Sandy VanCleave		
Violation Number 1		
Primary Rule Cite	30 Tex. Admin. Code § 37.815(a) and (b)	
Secondary Cite(s)		
Violation Description	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.	
	Base Penalty	\$10,000
» Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
<i>OR</i>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
		Percent <input type="text"/>
» Programmatic Matrix		
	Falsification	Major Moderate Minor
<i>OR</i>	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Percent 10%
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	-\$9,000
	Base Penalty Subtotal	\$1,000
Violation Events		
	Number of Violation Events	5
<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x
		Violation Base Penalty \$5,000
Events Notes	Five single events are recommended based upon the record review conducted on July 1, 2002.	
Economic Benefit (EB) for this violation Statutory Limit Test		
	Estimated EB Amount (\$) \$3,413	Violation Final Penalty total \$5,250
	This Violation Final Assessed Penalty (adjusted for limits) \$5,250	

Economic Benefit Worksheet

Respondent: Aziz Al-Surmi and Dwarkesh Investment Inc. dba Yemco Petroleum
ID Number(s): Enforcement Case No. 9140
Media [Statute]: Petroleum Storage Tank
Violation Number: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$3,250	1-Jul-2001	1-Jul-2002	1.0	\$163	\$3,250	\$3,413
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for the petroleum USTs for the 12 months preceeding the date of the investigation/record review.

Approx Cost of Compliance \$3,250

TOTAL \$3,413

Compliance History

Customer/Respondent/Owner-Operator:	CN602944977 Aziz Alsurmi dba Yemco Petroleum	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN101494268 YEMCO PETROLEUM	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		38594
Location:	5327 CAMERON RD, AUSTIN, TX, 78723	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	April 02, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 05, 2000 to October 05, 2005		

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

Name: Sandy VanCleave Phone: 512/239-2670

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 | 09/27/2002 | (119533) |
| 2 | 04/28/2003 | (248711) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|--|----------|-----------------|----------|
| Date: | 09/27/2002 | (119533) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
30 TAC Chapter 37, SubChapter I 37.815(b)[G] | | | |
| Description: | Failed to demonstrate financial assurance. | | | |
- 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
ABDUL H. AZIZ AL-SURMI AKA
AZIZ AL-SURMI DBA YEMCO
PETROLEUM; RN101494268

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2003-0953-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Abdul H. Aziz Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum ("Mr. Aziz Al-Surmi") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Aziz Al-Surmi represented by Mr. Steven R. Hake, Attorney at Law, appear before the Commission and together stipulate that:

1. Mr. Aziz Al-Surmi owns and operates a convenience store with retail sales of gasoline located at 5327 Cameron Road, Austin, Travis 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 ch. 26 and TCEQ rules.
3. The Commission and Mr. Aziz Al-Surmi agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Aziz Al-Surmi is subject to the Commission's jurisdiction.
4. Mr. Aziz Al-Surmi received notice of the violation alleged in Section II ("Allegations") on or about October 2, 2002.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Aziz Al-Surmi of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of four thousand seven hundred fifty dollars (\$4,750.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Aziz Al-Surmi has paid two hundred seventy-one dollars (\$271.00) of the administrative penalty. The remaining balance of four thousand four hundred seventy-nine dollars (\$4,479.00) of the administrative penalty shall be payable in one monthly payment of one hundred fifty-nine dollars (\$159.00) followed by sixteen monthly payments of two hundred seventy dollars (\$270.00) each. The first monthly payment shall be paid within 30 days after the effective date of the Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Aziz Al-Surmi fails to timely and satisfactorily comply with the payment requirements of the Agreed Order, including the payment schedule, 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 failure of Mr. Aziz Al-Surmi to meet the payment schedule of the Agreed Order constitutes the failure by Mr. Aziz Al-Surmi to timely and satisfactorily comply with all of the terms of the Agreed Order.
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 Mr. Aziz Al-Surmi 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 Mr. Aziz Al-Surmi has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Obtained the required financial responsibility for the USTs on November 1, 2004, as documented to the TCEQ by fax on June 29, 2005.
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 Mr. Aziz Al-Surmi 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

1. Mr. Aziz Al-Surmi is alleged to have violated 30 TEX. ADMIN. CODE § 37.815(a) and (b); by failing to demonstrate financial responsibility 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, as documented during a record review conducted on July 1, 2002.

III. DENIALS

Mr. Aziz Al-Surmi generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mr. Aziz Al-Surmi pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Aziz Al-Surmi'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: Abdul H. Aziz Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum, Docket No. 2003-0953-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. This Agreed Order, issued by the Commission, shall not be admissible against Abdul H. Aziz Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum 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.
3. 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.

4. 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 Mr. Aziz Al-Surmi, or three days after the date on which the Commission mails notice of the Order to Mr. Aziz Al-Surmi, 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

Bergerson Penland
For the Executive Director

9/23/06

Date

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.

Steven Hake
Signature

November 18, 2005
Date

Steven Hake
Name (Printed or typed)
Authorized representative of
Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum

Authorized Attorney
Title
for Aziz Al-Surmi