

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1979-AIR-E **TCEQ ID:** RN100815133 **CASE NO.:** 31749

RESPONDENT NAME: Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Rio Grande Supermarket, 7240 Doniphan Drive, Canutillo, El Paso County</p> <p>TYPE OF OPERATION: Supermarket with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 19, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Section III, MC 149, (512) 239-6162; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Jim Whitlatch, Owner, Rio Grande Supermarket, 7240 Doniphan Drive, Canutillo, Texas.79835 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 8, 2006</p> <p>Date of NOE Relating to this Case: November 10, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>AIR</p> <p>Failed to supply fuel with the minimum oxygen content of 2.7% by weight. Specifically, a sample taken from the premium gasoline at Pump No. 2 was found to contain 1.75% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$1,000</p> <p>Total Deferred: \$200 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$800</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 15, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	15-Nov-2006	EPA Due	
	PCW	15-Nov-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket
Reg. Ent. Ref. No.	RN100815133
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31749	No. of Violations	1
Docket No.	2006-1979-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0% Enhancement	Subtotals 2, 3, & 7 \$0

Notes: No change due to average performer classification.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$287	Subtotal 6	\$0
Approx. Cost of Compliance	\$850	*Capped at the Total EB \$ Amount	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
-----------------------------	-----------------------	---------

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 \$1,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
-----------------------------------	-------------------------------	---------

DEFERRAL	20% Reduction	Adjustment	-\$200
-----------------	---------------	-------------------	--------

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$800
------------------------	-------

Screening Date: 15-Nov-2006

Docket No: 2006-1979-AIR-E

PCW

Respondent: Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket

Policy Revision 2 (September 2002)

Case ID No: 31749

PCW Revision November 15, 2006

Reg. Ent. Reference No: RN100815133

Media [Statute]: Air Quality

Enf. Coordinator: Bryan Elliott

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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
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%
	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%
<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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No change due to average performer classification.

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

Screening Date 15-Nov-2006

Docket No. 2006-1979-AIR-E

PCW

Respondent Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket

Policy Revision 2 (September 2002)

Case ID No. 31749

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN100815133

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to supply fuel with the minimum oxygen content of 2.7% by weight, as documented by an investigation conducted on October 8, 2006. Specifically, a sample taken from the premium gasoline at Pump No. 2 was found to contain 1.75% oxygen content by weight.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 37

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$287

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent: Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket
Case ID No.: 31749
Reg. Ent. Reference No.: RN100815133
Media: Air Quality
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

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	\$600	8-Oct-2006	1-Jun-2007	0.6	\$19	n/a	\$19
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 of implementing procedures to ensure the required oxygen content is maintained. The date required is the date of investigation. The final date is the projected date of compliance.

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)	\$250	8-Oct-2006	31-Mar-2007	1.4	\$17	\$250	\$267

Notes for AVOIDED costs

The avoided cost is based on dispensing and utilizing gasoline without the minimum oxygen content of 2.7% by weight. The date required is the date of investigation. The final date is the end date of the oxygenated fuel control period.

Approx. Cost of Compliance

\$850

TOTAL

\$287

Compliance History

Customer/Respondent/Owner-Operator: CN600493308 Ultra Fuel & Oil, L.L.C. Classification: AVERAGE Rating: 1.21
Regulated Entity: RN100815133 RIO GRANDE SUPERMARKET Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE2178K
PETROLEUM STORAGE TANK REGISTRATION 72682
REGISTRATION

Location: 7240 DONIPHAN DR, CANUTILLO, TX, 79835 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 14, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Bryan Elliott Phone: 239-6162

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? 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

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 08/13/2002 (4259)
- 2 11/07/2002 (15629)
- 3 03/19/2002 (75782)
- 4 10/20/2002 (14147)
- 5 12/05/2005 (439042)
- 6 06/30/2004 (277985)
- 7 11/10/2006 (518944)

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
ULTRA FUEL & OIL, L.L.C. DBA RIO
GRANDE SUPERMARKET
RN100815133

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1979-AIR-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 Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket ("Ultra Fuel & Oil") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Ultra Fuel & Oil appear before the Commission and together stipulate that:

1. Ultra Fuel & Oil owns and operates a supermarket with retail sales of gasoline, located at 7240 Doniphan Drive in Canutillo, El Paso County, Texas (the "Store").
2. The Store consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Ultra Fuel & Oil agree that the Commission has jurisdiction to enter this Agreed Order, and that Ultra Fuel & Oil is subject to the Commission's jurisdiction.
4. Ultra Fuel & Oil received notice of the violations alleged in Section II ("Allegations") on or about November 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ultra Fuel & Oil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Dollars (\$1,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ultra Fuel & Oil has paid Eight Hundred Dollars (\$800) of the administrative penalty and Two Hundred Dollars (\$200) is deferred contingent upon Ultra Fuel & Oil'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 Ultra Fuel & Oil fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ultra Fuel & Oil 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 Ultra Fuel & Oil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Ultra Fuel & Oil has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 Store, Ultra Fuel & Oil is alleged to have failed to supply fuel without the minimum oxygen content of 2.7% by weight, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 8, 2006. Specifically, a sample taken from the premium gasoline at Pump No. 2 was found to contain 1.75% oxygen content by weight.

III. DENIALS

Ultra Fuel & Oil 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 every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting process.

In addition, the document highlights the need for a clear and consistent chart of accounts. This helps in organizing the financial data into meaningful categories, making it easier to analyze and report on. The importance of using standardized accounting principles is also stressed to ensure that the information is comparable and reliable.

Furthermore, the document discusses the role of internal controls in preventing fraud and protecting assets. It suggests implementing a system of checks and balances, such as requiring dual authorization for significant transactions. Regular reconciliations of bank statements and other external records are also recommended to maintain the integrity of the financial statements.

The document also touches upon the importance of timely reporting. Financial statements should be prepared and reviewed on a regular basis to provide up-to-date information to management and stakeholders. This allows for prompt decision-making and helps in identifying trends and potential issues before they become major problems.

Finally, the document concludes by stating that a strong foundation in accounting principles and practices is essential for the success of any business. It encourages continuous learning and staying updated with the latest developments in the field. By following these guidelines, businesses can ensure the accuracy and reliability of their financial records, leading to better financial health and growth.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ultra Fuel & Oil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ultra Fuel & Oil'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: Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket, Docket No. 2006-1979-AIR-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. It is further ordered that Ultra Fuel & Oil shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight; and
 - b. Within 45 days after the effective date of this Agreed Order, 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 No. 2.a. The certification shall be 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

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

In the second part, the focus is on the results of the study. The data shows a clear trend in the behavior of the system under investigation, which is consistent with the theoretical predictions. The analysis also identifies several key factors that influence the system's performance, providing valuable insights for future research.

The third part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study, particularly in understanding the underlying mechanisms of the system. The authors also discuss the limitations of the study and propose directions for further research to address these limitations.

Finally, the document concludes with a summary of the main findings and a statement of the authors' appreciation for the support provided by the funding agencies. The authors express their hope that the results presented here will contribute to the advancement of knowledge in the field.

The authors would like to thank the following individuals for their assistance and support during the course of this project: [Names of individuals].

This work was supported by the [Funding Agency Name] under grant number [Grant Number]. The authors also acknowledge the [Funding Agency Name] for their generous support.

with a copy to:

Air Quality Section, Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Ultra Fuel & Oil. Ultra Fuel & Oil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Store operations referenced in this Agreed Order.
4. If Ultra Fuel & Oil fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ultra Fuel & Oil's failure to comply is not a violation of this Agreed Order. Ultra Fuel & Oil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ultra Fuel & Oil shall notify the Executive Director within seven days after Ultra Fuel & Oil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ultra Fuel & Oil shall be made in writing to the Executive Director. Extensions are not effective until Ultra Fuel & Oil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Ultra Fuel & Oil 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), the effective date is the date of hand-delivery of the Order to Ultra Fuel & Oil, or three days after the date on which the Commission mails notice of the Order to Ultra Fuel & Oil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures that the financial statements are reliable and can be audited without issue.

Additionally, it is noted that the company's financial health is directly tied to the accuracy of these records. Any discrepancies or missing documents could lead to significant complications during an audit or when seeking financing.

The second section outlines the specific procedures for handling incoming payments. It states that all payments should be recorded in the accounting system as soon as they are received. This includes the date, amount, and the name of the payer.

Furthermore, it is required that a copy of the payment receipt be filed in a designated folder for each month. This systematic approach helps in tracking cash flow and identifying any potential issues with payments that may not be recorded correctly.

The third part of the document addresses the management of accounts payable. It advises that the company should maintain a clear schedule for paying its suppliers and vendors. Timely payments are crucial for maintaining good relationships and avoiding penalties.

It is also recommended that the accounting department should regularly review the accounts payable ledger to ensure that all bills are being paid on time and for the correct amount. Any late payments should be investigated and reported to management.

Finally, the document concludes by reiterating the importance of transparency and accountability in all financial matters. Management should ensure that all employees are aware of the company's financial policies and procedures.

Regular communication and reporting to the board of directors will help in making informed decisions about the company's future. The goal is to maintain a strong financial position and ensure the long-term success of the organization.

In summary, the document provides a comprehensive overview of the financial management processes. It covers the essential steps from recording transactions to managing payables and ensuring overall financial transparency.

By following these guidelines, the company can effectively manage its finances, reduce the risk of errors, and ensure that all financial activities are properly documented and reported.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director



Date

5/2/07

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

Date

12/01/05

Jim Whitlatch
Name (Printed or typed)
Authorized Representative of
Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket

Director
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.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5301 SOUTH DICKENS STREET
CHICAGO, ILLINOIS 60637

12/1/77

12/1/77

Dear Mr. [Name]:

I have received your letter of [Date] regarding [Subject].

I am sorry that I cannot provide a more definitive answer at this time.

I will be happy to discuss this further if you wish.

Sincerely,
[Name]

Very truly yours,
[Name]