

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-1116-PST-E TCEQ ID NO: RN101551299 CASE NO.: 9434
RESPONDENT NAME: IZR CORPORATION DBA GARLAND FINA

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 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 checked="" 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: 3101 Saturn Road, Garland, Dallas County</p> <p>TYPE OF OPERATION: Convenience store 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 are two additional pending enforcement actions against 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 October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Audra Ruble, Air Enforcement Section, MC R-14, (361) 825-3126 TCEQ Regional Contact: Mr. Samuel Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Kenneth Ramey, Registered Agent, IZR Corporation, 2624 Park Ridge Road, Flower Mound, Texas 75022 Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" 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 of Investigation Relating to this Case: February 28, 2003 and November 9, 2004</p> <p>Date of NOV/NOE Relating to this Case: April 16, 2003 and November 14, 2004</p> <p>Background Facts:</p> <p>The EDPRP was filed on March 18, 2004. The EDFARP was filed on January 25, 2005. The EDSARP was filed on March 20, 2007. The Respondent received notice of all three, but never filed an Answer.</p> <p>There are three Default Order cases pending against this Respondent: Docket No. 2003-1116-PST-E, Docket No. 2004-1775-PST-E, and Docket No. 2007-0409-PST-E; and this Respondent was indicted in June 2007 for a 2nd degree felony for tampering with a governmental record (delivery certificate).</p> <p>PST</p> <p>1) Failed to ensure that a TCEQ Fuel Delivery Certificate was renewed by timely and proper submission of a new UST registration and self-certification form [30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii) and TEX. WATER CODE § 26.346(a)].</p> <p>2) Failed to make available a valid, current TCEQ Fuel Delivery Certificate to a common carrier prior to receiving fuel deliveries on February 14, 2003, and February 17, 2003 [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>3) Failed to either maintain evidence of financial assurance at the UST site or to make such records available upon request [30 TEX. ADMIN. CODE § 37.875(a)].</p> <p>4) Failed to conduct monthly monitoring of the UST system [30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.50(d)(1)(B)(ii); and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>5) Failed to tag, label or mark the fill tubes for each regulated UST [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].</p> <p>6) Failed to pay the delinquent administrative penalty for TCEQ Agreed Order Docket No. 2002-0573-PST-E by April 6, 2003.</p>	<p>Total Assessed: \$16,800</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$16,800</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalties but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor <input type="checkbox"/> N/A</p> <p>Person Compliance History Classifications: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor <input type="checkbox"/> N/A</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 Respondent no longer owns or operates the Facility. It was transferred to a new owner March 3, 2008.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 6/12/2003

DATES					
PCW	9-Nov-2004	Screening	29-Sep-2003	Priority Due	27-Jan-2004
			EPA Due		
RESPONDENT INFORMATION					
Respondent IZR Corporation dba Garland Fina					
Respondent/Site ID No(s). Petroleum Storage Tank Facility ID No. 72525					
Facility/Site Region 4 - Dallas/Fort Worth			Major/Minor Source Minor		
CASE INFORMATION					
Enf./Case ID No(s).		9434		No. Violations 6	
Docket No.		2003-1116-PST-E		Order Type 1660 without deferral	
Case Priority		3		EC's Team Enforcement Team A	
Enf. Coordinator		Catherine Sherman			
Media Program(s)		Petroleum Storage Tank			
Admin. Penalty \$ Limit		Minimum \$0		Maximum \$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (<i>Sum of violation base penalties</i>)		Subtotal 1	\$14,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History		20% Enhancement	Subtotals 2, 3 & 7
			\$2,800
Notes: Penalty enhancement due to an Agreed Order effective on March 7, 2003.			+
Culpability		0% Enhancement	Subtotal 4
No <input type="checkbox"/> Select Yes/No			\$0
Notes: The respondent does not meet the culpability criteria.			+
Good Faith Effort to Comply		0% Reduction	Subtotal 5
Before NOV NOV to EDRP/Settlement Offer			\$0
Extraordinary	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>		
None of the above	X (mark with small x)		+
Notes: The respondent does not meet the good faith effort criteria.			
Economic Benefit		0% Enhancement*	Subtotal 6
\$15 Total EB Amounts		*Capped at the Total EB \$ Amount	\$0
\$425 Approx. Cost of Compliance			=
SUM OF SUBTOTALS 1-7		Final Subtotal	\$16,800
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	\$16,800
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$16,800
			-
DEFERRAL		Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)			
Notes: No deferral recommended due to an Agreed Order effective on March 7, 2003 for same or similar violations.			=
PAYABLE PENALTY			\$16,800

Screening Date 29-Sep-2002 Docket Number 2003-1116-PST-E PCW
 Respondent IZR Corpora dba Garland Fina Policy Revision 2 (09/02)
 Case ID No. 9434 PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525
 Media [Statute] Petroleum Storage Tank
 Enf. Coordinator Catherine Sherman

Site Address 3101 Saturn Road, Garland, Dallas 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 (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)	1	20%
	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 judgements 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%
Please enter Yes or No			
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) 20%

>> 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 Penalty enhancement due to an Agreed Order effective on March 7, 2003.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 20%

Screening Date 29-Sep-03 **Docket Number** 2003-1116-PST-E
Respondent IZR Corporation dba Garland Fina **Policy Revision 2 (09/02)**
Case ID No. 9434 **PCW Revision** 6/12/2003
Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Catherine Sherman
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code §334.8(c)(5)(B)(ii)
Secondary Cite(s) Tex. Water Code §26.346(a)
Violation Description Failure to ensure that a TCEQ Fuel Delivery Certificate was renewed by timely and proper submission of a new underground storage tank (UST) registration and self-certification form.

Base Penalty \$10,000

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

		Harm				
		Release	Major	Moderate	Minor	
OR	Actual					Percent
	Potential					

» **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
OR			x			Percent 10%

Matrix Notes Failure to ensure that a TCEQ Fuel Delivery Certificate was renewed means that one hundred percent of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Events Notes One single event is recommended based on the investigation date of February 28, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$4

Violation Final Penalty total \$1,200

This Violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent: IZR Corporal ba Garland Fina
 ID Number(s): 9434
 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
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)	\$100	31-May-2002	3-Mar-2003	0.8	\$4	n/a	\$4

Notes for DELAYED costs

The estimated cost of completing a UST registration and self-certification form. Date required is based on the expiration of the previous TCEQ Fuel Delivery Certificate. Final date is the date the renewed TCEQ Fuel Delivery Certificate was issued.

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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

TOTAL

Screening Date 29-Sep-03 Docket Number 2003-1116-PST-E PCW
 Respondent IZR Corporation dba Garland Fina Policy Revision 2 (09/02)
 Case ID No. 9434 PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Catherine Sherman

Violation Number

Primary Rule Cite

Secondary Cite(s)

Violation Description

Base Penalty

» Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent	<input type="text" value="5%"/>

» Programmatic Matrix

		Major	Moderate	Minor		
OR	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent IZR Corporation,aba Garland Fina
 ID Number(s) 9434
 Media [Statute] Petroleum Storage Tank
 Violation Number 2

Percent Interest	Years of Depreciation
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)	\$150	14-Feb-2003	18-Feb-2003	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to ensure that a valid, current TCEQ Fuel Delivery Certificate is presented to a common carrier before delivery of fuel is accepted. Date required is based on the first day of fuel delivery. Final date is the day after the last fuel delivery.

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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

TOTAL

Screening Date 29-Sep Docket Number 2003-1116-PST-E PCW
 Respondent IZR Corporation dba Garland Fina Policy Revision 2 (09/02)
 Case ID No. 9434 PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Catherine Sherman

Violation Number 3

Primary Rule Cite 30 Tex. Admin. Code § 37.875(a)

Secondary Cite(s)

Violation Description Failure to maintain evidence of financial assurance at the UST site and to make such records available upon request.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor	Percent
Actual				
Potential				

» Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes Failure to maintain evidence of financial assurance at the UST site means that one hundred percent of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Events Notes One single event is recommended based on the February 28, 2003 investigation date.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount (\$) \$0

Violation Final Penalty total \$1,200

This Violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent IZR Corpora. dba Garland Fina
 ID Number(s) 9434
 Media [Statute] Petroleum Storage Tank
 Violation Number 3

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
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	\$25	28-Feb-2003	3-Apr-2003	0.1	\$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

The estimated cost to maintain records of financial assurance at the Facility. Date required is the date of the investigation. Final date is the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

TOTAL

Screening Date 29-Sep-03 Docket Number 2003-1116-PST-E **PCW**
 Respondent IZR Corporation dba Garland Fina Policy Revision 2 (09/02)
 Case ID No. 9434 PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525
 Media [Statute] Petroleum Storage Tank
 Enf. Coordinator Catherine Sherman

Violation Number
 Primary Rule Cite 30 Tex. Admin. Code § 334.50(b)(1)(A)

Secondary Cite(s) 30 Tex. Admin. Code § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1)

Violation Description Failure to conduct monthly monitoring of the UST system. Specifically, monthly reconciliation of inventory control was not being conducted while using automatic tank gauging.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

» Programmatic Matrix

		Major	Moderate	Minor	
OR	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes Failure to reconcile inventory control records could result in the exposure of a significant amount of pollutants which may exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events

mark only one; use small x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$10,000"/>
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Events Notes Four quarterly events are recommended from the investigation date of February 28, 2003 to the settlement deadline date of December 9, 2003 to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount (\$) Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent IZR Corpora. dba Garland Fina
 ID Number(s) 9434
 Media [Statute] Petroleum Storage Tank
 Violation Number 4

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
------------------	---	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$100	28-Feb-2003	12-Apr-2004	1.1	\$0	\$7	\$8
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

The estimated cost to conduct monthly reconciliation of inventory control records. Date required is based on the investigation date. Final date is the projected compliance date.

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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

TOTAL

Screening Date 29-8-03 Docket Number 2003-1116-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (09/02)

Case ID No. 9434

PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Catherine Sherman

Violation Number 5

Primary Rule Cite 30 Tex. Admin. Code § 334.8(c)(5)(C)

Secondary Cite(s)

Violation Description Failure to tag, label, or mark the fill tubes for each regulated UST.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

OR

Percent 10%

Matrix Notes

Failure to tag, label, or mark the fill tubes for each regulated UST means that one hundred percent of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Events Notes

One single event is recommended based on the investigation date of February 28, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$3

Violation Final Penalty total \$1,200

This Violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent IZR Corporation a Garland Fina
 ID Number(s) 9434
 Media [Statute] Petroleum Storage Tank
 Violation Number 5

Percent Interest	Years of Depreciation
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)	\$50	28-Feb-2003	12-May-2004	1.2	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost to permanently mark the fill tubes for two USTs. Date required is based on the investigation date. 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

TOTAL

Screening Date 29-8-03 Docket Number 2003-1116-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (09/02)

Case ID No. 9434

PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Catherine Sherman

Violation Number 6

Primary Rule Cite Agreed Order, Docket No. 2002-0573-PST-E, Ordering Provision No. 1.

Secondary Cite(s) Texas Water Code § 7.151(a)

Violation Description Failure to pay the delinquent administrative penalty for Agreed Order, Docket No. 2002-0573-PST-E by April 6, 2003.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				

» Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation/Events

Number of Violation Events

mark only one; use small x

- daily
- monthly
- quarterly
- semiannual
- annual
- single event

Violation Base Penalty \$0

Events Notes No administrative penalty was calculated for this violation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$0

Violation Final Penalty total \$0

This Violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent IZR Corporation, Jba Garland Fina

ID Number(s) 9434

Media [Statute] Petroleum Storage Tank

Violation Number 6

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
------------------	---	---------------	------------	-----	----------------	---------------	-----------

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

Not applicable.

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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Not applicable.

Approx Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600818553 IZR CORPORATION Classification: AVERAGE Rating: 7.500
Regulated Entity: RN101551299 GARLAND FINA Classification: AVERAGE Site Rating: 7.50
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 72525
REGISTRATION
Location: 3101 SATURN RD, GARLAND, TX, 75041 Rating Date: 9/1/03 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: November 10, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 09, 1999 to November 09, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Catherine Sherman Phone: 713-767-3624

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.

Effective Date: 3/7/03 ADMINORDER 2002-0573-PST-E
Classification: Moderate
Citation: 2C TWC Chapter 20, SubChapter A 26.346(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)

Description: Failed to fully and accurately complete and submit a UST registration and self-certification form to the TCEQ in a timely manner.

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.)

2 07/23/2001 (IE0017514001001)
4 06/24/2003 (276679)
6 04/11/2003 (26799)
8 04/05/2000 (47974)
10 10/08/2004 (290417)

N/A

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/24/2003 (276679) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
30 TAC Chapter 37, SubChapter I 37.815(b)[G]
Description: Failure to provide acceptable financial assurance
Date: 10/21/1999 (142795) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)[G]

- 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
IZR CORPORATION DBA
GARLAND FINA,
RN101551299

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2003-1116-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the revocation of the respondent's underground storage tank delivery certificate and the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is IZR Corporation dba Garland Fina ("IZR").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. IZR owned and operated a convenience store with retail sales of gasoline located at 3101 Saturn Road in Garland, Dallas County, Texas (the "Facility").
2. IZR's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. IZR's USTs contain a regulated substance as defined in the rules of the Commission.
3. During an inspection on February 28, 2003, a TCEQ DFW Regional Office investigator documented that IZR:
 - a. failed to ensure that a TCEQ Fuel Delivery Certificate was renewed by timely and proper submission of a new UST registration and self-certification form;
 - b. failed to make available a valid, current TCEQ Fuel Delivery Certificate to a common carrier prior to receiving fuel deliveries on February 14, 2003, and February 17, 2003;

IZR CORPORATION DBA GARLAND FINA

DOCKET NO. 2003-1116-PST-E

Page 2

- c. failed to either maintain evidence of financial assurance at the UST site or to make such records available upon request;
 - d. failed to conduct monthly monitoring of the UST system. Specifically, monthly reconciliation of inventory control was not being conducted while using automatic tank gauging; and
 - e. failed to tag, label or mark the fill tubes for each regulated UST.
4. During a record review conducted on November 9, 2004, a TCEQ Enforcement Coordinator documented that IZR violated TCEQ Agreed Order Docket No. 2002-0573-PST-E, Ordering Provision No. 1, by failing to pay the delinquent administrative penalty for TCEQ Agreed Order Docket No. 2002-0573-PST-E by April 6, 2003.
 5. IZR received notices of the violations on or about April 16, 2003 and November 14, 2004.
 6. The Executive Director recognizes that IZR has sold the Facility.
 7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDPRP") in the TCEQ Chief Clerk's office on March 18, 2004.
 8. By letter dated March 18, 2004, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDPRP. According to the return receipt "green card", IZR received notice of the EDPRP on March 20, 2004, as evidenced by the signature on the card.
 9. More than 20 days have elapsed since IZR received notice of the EDPRP, provided by the Executive Director. IZR failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
 10. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDFARP") in the TCEQ Chief Clerk's office on January 25, 2005.

11. By letter dated January 25, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDFARP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that IZR received notice of the EDFARP.
12. More than 20 days have elapsed since IZR received notice of the EDFARP, provided by the Executive Director. IZR failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.
13. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDSARP") in the TCEQ Chief Clerk's office on March 20, 2007.
14. By letter dated March 20, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDSARP. According to the return receipts "green cards", IZR received notice of the EDSARP on March 22, 2007 and May 5, 2007, as evidenced by the signatures on the cards.
15. More than 20 days have elapsed since IZR received notice of the EDSARP, provided by the Executive Director. IZR failed to file an answer to the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, IZR is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 5.013 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., IZR failed to ensure that a TCEQ Fuel Delivery Certificate was renewed by timely and proper submission of a new UST registration and self-certification form in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii) and TEX. WATER CODE § 26.346(a).
3. As evidenced by Finding of Fact No. 3.b., IZR failed to make available a valid, current TCEQ Fuel Delivery Certificate to a common carrier prior to receiving fuel deliveries on February 14, 2003, and February 17, 2003 in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a).

4. As evidenced by Finding of Fact No. 3.c., IZR Corporation failed to either maintain evidence of financial assurance at the UST site or to make such records available upon request in violation of 30 TEX. ADMIN. CODE § 37.875(a).
5. As evidenced by Finding of Fact No. 3.d., IZR failed to conduct monthly monitoring of the UST system in violation of 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and 334.50(d)(1)(B)(ii); and TEX. WATER CODE § 26.3475(c)(1). Specifically, monthly reconciliation of inventory control was not being conducted while using automatic tank gauging.
6. As evidenced by Finding of Fact No. 3.e., IZR failed to tag, label or mark the fill tubes for each regulated UST in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C).
7. As evidenced by Finding of Fact No. 4, IZR failed to pay the delinquent administrative penalty for TCEQ Agreed Order Docket No. 2002-0573-PST-E by April 6, 2003.
8. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served IZR with proper notice of the EDP RP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE §§ 70.104(a) and (b)(1).
9. As evidenced by Finding of Fact No. 9, IZR has failed to file a timely answer to the EDP RP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
10. As evidenced by Finding of Fact Nos. 10 and 11, the Executive Director has timely served IZR with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE §§ 70.104(c)(2).
11. As evidenced by Finding of Fact No. 12, IZR has failed to file a timely answer to the EDFARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
12. As evidenced by Finding of Fact Nos. 13 and 14, the Executive Director has timely served IZR with proper notice of the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE §§ 70.104(a) and b(1).

13. As evidenced by Finding of Fact No. 15, IZR has failed to file a timely answer to the EDSARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against IZR for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of sixteen thousand eight hundred dollars (\$16,800.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
16. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. IZR Corporation is assessed an administrative penalty in the amount of sixteen thousand eight hundred dollars (\$16,800.00) for violations of TEX. WATER CODE ch. 26 and rules of the TCEQ. The payment of this administrative penalty and IZR's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: IZR Corporation dba Garland Fina; Docket No. 2003-1116-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. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply and be binding upon IZR. The Executive Director recognizes that the Respondent no longer owns or operates the Facility.
4. If IZR fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, IZR's failure to comply is not a violation of this Order. IZR shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. IZR shall notify the Executive Director within seven days after IZR 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by IZR shall be made in writing to the Executive Director. Extensions are not effective until IZR receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to IZR if the Executive Director determines that IZR has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

IZR CORPORATION DBA GARLAND FINA
DOCKET NO. 2003-1116-PST-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF REBECCA M. COMBS

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina’ (the ‘EDPRP’) was filed with the Office of the Chief Clerk on March 18, 2004.

The EDPRP was sent to IZR Corporation at its last known address on March 18, 2004 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt ‘green card’, IZR Corporation received notice of the EDPRP on March 20, 2004, as evidenced by the signature on the card.

More than 20 days have elapsed since IZR Corporation received notice of the EDPRP. IZR Corporation failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina’ (the ‘EDFARP’) was filed with the Office of the Chief Clerk on January 25, 2005.

The EDFARP was sent to IZR Corporation at its last known address on January 25, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as ‘unclaimed’. The first class mail has not been returned, indicating that IZR Corporation received notice of the EDFARP.

More than 20 days have elapsed since IZR Corporation received notice of the EDFARP. IZR Corporation failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the 'Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina' (the 'EDSARP') with the Office of the Chief Clerk on March 20, 2007.

I sent the EDSARP to IZR Corporation at its last known address on March 20, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card', IZR Corporation received notice of the EDSARP on March 22, 2007 and May 5, 2007, as evidenced by the signature on the card.

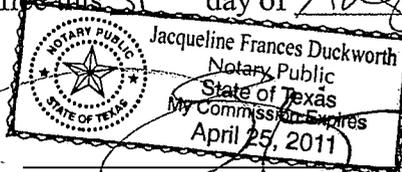
More than 20 days have elapsed since IZR Corporation received notice of the EDSARP. IZR Corporation failed to file an answer to the EDSARP, failed to request a hearing, and failed to schedule a settlement conference".



Rebecca M. Combs
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 31 day of August 2007.



Notary Stamp

Notary Signature