

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0918-PWS-E **TCEQ ID:** RN101737534 **CASE NO.:** 33759

**RESPONDENT NAME:** Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Iffi Stop 1 Food Market, 9146 Highway 242, Conroe, Montgomery County</p> <p><b>TYPE OF OPERATION:</b> Service station with a public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 29, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033                      Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Imran Ghani, President, Kia Enterprises, Inc., 9146 Highway 242, Conroe, Texas 77385  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 26, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Four violations were documented.</p> <p><b>WATER</b></p> <p>1) Failure to submit well completion data before placing the well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>2) Failure to provide accurate up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(n)(1) and TEX HEALTH &amp; SAFETY CODE § 341.035(a)].</p> <p>3) Failure to obtain a test kit which uses diethyl-p-phenylendiamine ("DPD") to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") [30 TEX. ADMIN. CODE § 290.110(d)(3)(C)].</p> <p>4) Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].</p>	<p><b>Total Assessed:</b> \$760</p> <p><b>Total Deferred:</b> \$152  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$172 (remaining \$436 due in 3 monthly payments of \$100 each and one final payment of \$136)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, obtain a chlorine test kit which employs a DPD indicator.</p> <p>b. Within 10 days after the effective date of this Agreed Order, begin weekly monitoring and recording of the disinfectant residual at representative locations throughout the distribution system in accordance with the Facility's monitoring plan.</p> <p>c. Within 25 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit well completion data for review and approval; and</p> <p>ii. Submit accurate up-to-date detailed as-built plans or record drawings and specifications for review and approval.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>

Additional ID No(s): PWS 1700735



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

**TCEQ**

DATES	Assigned	4-Jun-2007	Screening	11-Jun-2007	EPA Due	
	PCW	11-Jun-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Kia Enterprises, Inc. dba Iffi Stop 1 Food Market		
Reg. Ent. Ref. No.	RN101737534		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	33759	No. of Violations	4	
Docket No.	2007-0918-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1  \$800

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** Subtotals 2, 3, & 7  -\$40

-5% Enhancement

Notes: The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

**Culpability** Subtotal 4  \$0

No  0% Enhancement

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** Subtotal 5  \$0

0% Reduction

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

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

0% Enhancement\*

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal  \$760

**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**  \$760

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty  \$760

**DEFERRAL** Adjustment  -\$152

20% Reduction

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**  \$608

Screening Date 11-Jun-2007

Docket No. 2007-0918-PWS-E

PCW

Respondent Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

Policy Revision 2 (September 2002)

Case ID No. 33759

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101737534

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### 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)	1	5%
	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 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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

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

Screening Date 11-Jun-2007

Docket No. 2007-0918-PWS-E

PCW

Respondent Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

Policy Revision 2 (September 2002)

Case ID No. 33759

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101737534

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description

Failed to submit well completion data before placing the well into service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

46 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent** Kia Enterprises, Inc. dba Iffl Stop 1 Food Market  
**Case ID No.** 33759  
**Reg. Ent. Reference No.** RN101737534  
**Media** Public Water Supply  
**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
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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	\$500	26-Apr-2007	1-Mar-2008	0.8	\$21	n/a	\$21
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 delayed cost includes the amount to prepare and submit well completion data for review and approval before placing the well into service, calculated from the date of the investigation to the estimated date to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$21

Screening Date 11-Jun-2007

Docket No. 2007-0918-PWS-E

PCW

Respondent Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

Policy Revision 2 (September 2002)

Case ID No. 33759

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101737534

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(1) and Tex Health & Safety Code § 341.035(a)

Violation Description

Failed to provide accurate up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank to Commission personnel at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

46 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$59

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent** Kia Enterprises, Inc. dba Iffi Stop 1 Food Market  
**Case ID No.** 33759  
**Reg. Ent. Reference No.** RN101737534  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: 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	\$1,000	26-Apr-2007	1-Mar-2008	0.8	\$3	\$57	\$59
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 delayed cost includes the amount to prepare and submit accurate up-to-date detailed as-built plans and specifications, calculated from the date of the investigation to the estimated date to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$59

Screening Date 11-Jun-2007

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PCW

Respondent Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

Policy Revision 2 (September 2002)

Case ID No. 33759

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101737534

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.110(d)(3)(C)

Violation Description

Failed to obtain a test kit which uses diethyl-p-phenylendiamine ("DPD") to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L"). Specifically, it was noted that the Facility was using a pool kit to check the chlorine level in the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor	Percent
				0%

Failure in obtaining a chlorine test kit using a DPD indicator prevents the system in accurately measuring the disinfectant chlorine residual which could result in customers of the water supply being exposed to significant amounts of pollutants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 46

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, April 26, 2007, to the date of screening, June 11, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent** Kia Enterprises, Inc. dba Iffi Stop 1 Food Market  
**Case ID No.** 33759  
**Reg. Ent. Reference No.** RN101737534  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$50	26-Apr-2007	1-Jan-2008	0.7	\$0	\$2	\$2
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

The delayed cost includes the amount to obtain a chlorine test kit which uses the DPD indicator, calculated from the date of the investigation to the estimated 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$2

Screening Date 11-Jun-2007

Docket No. 2007-0918-PWS-E

PCW

Respondent Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

Policy Revision 2 (September 2002)

Case ID No. 33759

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101737534

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to monitor the disinfectant on a weekly basis could result in customers of the water supply being exposed to significant amounts of pollutants or contamination which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 46

Table for frequency: daily, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation, April 26, 2007, to the date of screening June 11, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

## Economic Benefit Worksheet

**Respondent** Kia Enterprises, Inc. dba Iffi Stop 1 Food Market  
**Case ID No.** 33759  
**Reg. Ent. Reference No.** RN101737534  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	26-Apr-2007	10-Jan-2008	1.6	\$8	\$100	\$108
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform weekly monitoring of the disinfectant residual in the system (\$10 per week), calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$108

# Compliance History

Customer/Respondent/Owner-Operator:	CN602657041 KIA Enterprises, Inc.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101737534 IFFI STOP 1 FOOD MARKET	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	59142
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1700735
Location:	9146 HIGHWAY 242, CONROE, TX, 77385	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 05, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 05, 2002 to June 06, 2007		

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

Name: Epifanio Villarreal Phone: 210-403-4003

## 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?    | Yes                          |
| 3. If Yes, who is the current owner?   | <u>KIA Enterprises, Inc.</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>James R. Blount</u>       |
| 5. When did the change(s) in ownership occur?  | <u>08/31/2003</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 | 04/27/2004 | (265782) |  |
| 2 | 08/03/2004 | (280331) |  |
| 3 | 05/04/2006 | (462778) |  |
| 4 | 06/01/2007 | (558199) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |                 |          |
|--------------|--|-----------------|----------|
| Date:        | 08/03/2004   | (280331)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)   |                 |          |
| Description: | Failed to submit well completion data before placing the well into service.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(n)(1)<br>5A THC Chapter 341, SubChapter A 341.035(a)   |                 |          |
| Description: | Failed to provide accurate up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank to Commission personnel at the time of the investigation. |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.38(25)  |                 |          |
| Description: | Failure to provide an intruder-resistant fence in order to protect the well facilities.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.43(d)(2)  |                 |          |
| Description: | Failure to provide all pressure tanks with an easily readable pressure gauge.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)   |                 |          |
| Description: | Failure to provide a pressure tank capacity of 220 gallons per connection.   |                 |          |
| Self Report? | NO   | Classification: | Moderate |

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)  
Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to properly maintain the regulated entity by not having the hypochlorinator pump in working condition.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)[G]  
Description: Failure to locate ground water sources so that there will be no danger of pollution from insanitary surroundings.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
KIA ENTERPRISES, INC. DBA IFFI	§	TEXAS COMMISSION ON
STOP 1 FOOD MARKET	§	
RN101737534	§	ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0918-PWS-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 Kia Enterprises, Inc. dba Iffi Stop 1 Food Market ("Kia Enterprises") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Kia Enterprises appear before the Commission and together stipulate that:

1. Kia Enterprises owns and operates a service station with a public water supply at 9146 Highway 242, Conroe, Montgomery County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Kia Enterprises agree that the Commission has jurisdiction to enter this Agreed Order, and that Kia Enterprises is subject to the Commission's jurisdiction.
3. Kia Enterprises received notice of the violations alleged in Section II ("Allegations") on or about June 10, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Kia Enterprises of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seven Hundred Sixty Dollars (\$760) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Kia Enterprises has paid One Hundred Seventy-Two Dollars (\$172) of the administrative penalty and One Hundred Fifty-Two Dollars (\$152) is deferred contingent upon Kia Enterprises' timely and satisfactory compliance with all the terms of this Agreed Order. If Kia Enterprises fails to timely



and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Kia Enterprises to pay all or part of the deferred penalty.

The remaining amount of Four Hundred Thirty-Six Dollars (\$436) of the administrative penalty shall be payable in 3 monthly payments of One Hundred Dollars (\$100) each and one final payment of One Hundred Thirty-Six Dollars (\$136). The next monthly payment shall be paid within 30 days after the effective date of this 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 Kia Enterprises fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 Kia Enterprises to meet the payment schedule of this Agreed Order constitutes the failure by Kia Enterprises to timely and satisfactorily comply with all the terms of this Agreed Order .

6. 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.
7. The Executive Director of the TCEQ and Kia Enterprises have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 Kia Enterprises has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Kia Enterprises is alleged to have:

1. Failed to submit well completion data before placing the well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on April 26, 2007.
2. Failed to provide accurate up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a), as documented during an investigation conducted on April 26, 2007.



3. Failed to obtain a test kit which uses diethyl-p-phenylendiamine ("DPD") to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 290.110(d)(3)(C), as documented during an investigation conducted on April 26, 2007.
4. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on April 26, 2007.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Kia Enterprises pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Kia Enterprises' 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: Kia Enterprises, Inc. dba Iffi Stop 1 Food Market, Docket No. 2007-0918-PWS-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 Kia Enterprises shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, obtain a chlorine test kit which employs a DPD indicator, in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 10 days after the effective date of this Agreed Order, begin weekly monitoring and recording of the disinfectant residual at representative locations throughout the distribution system in accordance with the Facility's monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.110.
  - c. Within 25 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.e, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and b.
  - d. Within 60 days after the effective date of this Agreed Order:

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Ninth paragraph of handwritten text, continuing the narrative.

Tenth paragraph of handwritten text, appearing as a separate line.

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- i. Submit well completion data for review and approval, in accordance with 30 TEX. ADMIN CODE § 290.46; and
- ii. Submit accurate up-to-date detailed as-built plans or record drawings and specifications for review and approval, in accordance with 30 TEX. ADMIN CODE § 290.46.

The plans shall be submitted to:

Water Supply Division  
Utility Creation & Plan Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d. 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

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality



5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Kia Enterprises. Kia Enterprises is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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 Kia Enterprises shall be made in writing to the Executive Director. Extensions are not effective until Kia Enterprises receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Kia Enterprises 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.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Kia Enterprises, or three days after the date on which the Commission mails notice of the Order to Kia Enterprises, 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

*John Srdin*  
For the Executive Director

12/03/2007  
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

*Imran Ghani*  
Signature

8/20/07  
Date

IMRAN GHANI  
Name (Printed or typed)  
Authorized Representative of  
Kia Enterprises, Inc. dba Iffi Stop 1 Food Market

PRESIDENT  
Title

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

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