

Zuri Business LLC
RN102348562
Docket No. 2021-1155-PST-E

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
11369 US Highway 69 North, Tyler, Smith County

Type of Operation:
underground storage tank ("UST") system and a convenience store with retail sales of gasoline

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: June 28, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$6,613

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$6,613

Compliance History Classifications:
Person/CN – High
Site/RN – High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: June 16, 2021

Date(s) of NOV(s): N/A

Date(s) of NOE(s): July 30, 2021

Zuri Business LLC
RN102348562
Docket No. 2021-1155-PST-E

Violation Information

1. Failed to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B)].
2. Failed to test the line leak detector at least once per year for performance and operational reliability, in violation of [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III)].
3. Failed to monitor each pressurized pipe installed on or after January 1, 2009, for releases at a frequency of at least once every 30 days by using interstitial monitoring, in violation of [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(iii)].
4. Failed to retrain the certified Class A and Class B Operator by January 1, 2020, regardless of the three-year re-training requirement, with a course submitted to and approved by TCEQ after April 1, 2018, in violation of [30 TEX. ADMIN. CODE § 334.605(d)].
5. Failed to assure that all UST recordkeeping requirements are met, in violation of [30 TEX. ADMIN. CODE § 334.10(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent no longer owns or operates the Facility as of January 31, 2022.

Technical Requirements:

None

Litigation Information

Date Petition(s) Filed: July 20, 2023; August 24, 2023

Date(s) of Service: unclaimed; unclaimed

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Misty James, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Tiffany Chu, Enforcement Division, (817) 588-5891

TCEQ Regional Contact: Michelle Baetz, Tyler Regional Office, (903) 535-5100

Respondent Contact: Sohail Ladhani, President, Zuri Business LLC, 1012 Gardenia Street, Carrollton, Texas 75007

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|------------|------------------|------------|----------------|--|
| DATES | Assigned | 2-Aug-2021 | Screening | 6-Aug-2021 | EPA Due | |
| | PCW | 3-Mar-2022 | | | | |

RESPONDENT/FACILITY INFORMATION

| | |
|-----------------------------|-------------------------------------|
| Respondent | Zuri Business LLC dba A-Z Food Mart |
| Reg. Ent. Ref. No. | RN102348562 |
| Facility/Site Region | 5-Tyler |
| Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|------------------------|------------------------------|--------------------|
| Enf./Case ID No. | 61222 | No. of Violations | 3 |
| Docket No. | 2021-1155-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | John Fennell |
| | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$4,750 |
|---|-------------------|----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|---------------|-------------------|--------------------------------|---------------|
| Compliance History | -10.0% | Adjustment | Subtotals 2, 3, & 7 | -\$475 |
|---------------------------|---------------|-------------------|--------------------------------|---------------|

| | |
|--------------|--|
| Notes | Reduction for High Performer Classification. |
|--------------|--|

| | | | | | |
|--------------------|----|-------------|--------------------|-------------------|------------|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------|--------------------|-------------------|------------|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

| | | | | |
|-------------------------|-------------|---------------------|-------------------|------------|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------|---------------------|-------------------|------------|

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$1,863 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$1,800 | |

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$4,275 |
|-----------------------------|-----------------------|----------------|

| | | | |
|---|--------------|-------------------|----------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 54.7% | Adjustment | \$2,338 |
|---|--------------|-------------------|----------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 2, and 3 and to offset the reduction for compliance history. |
|--------------|--|

| | |
|-----------------------------|----------------|
| Final Penalty Amount | \$6,613 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$6,613 |
|-----------------------------------|-------------------------------|----------------|

| | | | | |
|-----------------|-------------|------------------|-------------------|------------|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|-------------|------------------|-------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

| | |
|--------------|--|
| Notes | Deferral not offered for non-expedited settlement. |
|--------------|--|

| | |
|------------------------|----------------|
| PAYABLE PENALTY | \$6,613 |
|------------------------|----------------|

| | | | | |
|--------------------------------|-------------------------------------|-------------------|-----------------|------------|
| Screening Date | 6-Aug-2021 | Docket No. | 2021-1155-PST-E | PCW |
| Respondent | Zuri Business LLC dba A-Z Food Mart | | | |
| Case ID No. | 61222 | | | |
| Reg. Ent. Reference No. | RN102348562 | | | |
| Media | Petroleum Storage Tank | | | |
| Enf. Coordinator | John Fennell | | | |

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| 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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

| Screening Date | 6-Aug-2021 | Docket No. | 2021-1155-PST-E | PCW | | | | | | | | | | | | | | | | | | | |
|--|---|--|---|---|--|---------------|-------|-----------|-------|----------------|-------|----------|-------|--------------|--------|--|--|--|---|-----------|---|--|--|
| Respondent | Zuri Business LLC dba A-Z Food Mart | Policy Revision 5 (January 28, 2021) | | | | | | | | | | | | | | | | | | | | | |
| Case ID No. | 61222 | PCW Revision February 11, 2021 | | | | | | | | | | | | | | | | | | | | | |
| Reg. Ent. Reference No. | RN102348562 | | | | | | | | | | | | | | | | | | | | | | |
| Media | Petroleum Storage Tank | | | | | | | | | | | | | | | | | | | | | | |
| Enf. Coordinator | John Fennell | | | | | | | | | | | | | | | | | | | | | | |
| Violation Number | 1 | | | | | | | | | | | | | | | | | | | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 334.50(b)(1)(B), (b)(2)(A)(i)(III), and (b)(2)(A)(iii) and Tex. Water Code § 26.3475(a) and (c)(1) | | | | | | | | | | | | | | | | | | | | | | |
| Violation Description | Failed to monitor the underground storage tank ("UST") installed on or after January 1, 2009 in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on November 13, 2017, and the Respondent was not using interstitial monitoring release detection method. Also, failed to test the line leak detector at least once per year for performance and operational reliability. Additionally, failed to monitor each pressurized pipe installed on or after January 1, 2009 for releases at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the Respondent was not using interstitial monitoring release detection method for the pressurized piping associated with the UST system. | | | | | | | | | | | | | | | | | | | | | | |
| Base Penalty | | | | \$25,000 | | | | | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | | | | | | | | |
| OR | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td rowspan="2" style="text-align: right; vertical-align: middle;">Percent 15.0%</td> </tr> <tr> <td>Potential</td> <td style="border: 1px solid black; text-align: center;">x</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> </table> | | | | | Harm | | | | Release | Major | Moderate | Minor | | Actual | | | | Percent 15.0% | Potential | x | | |
| | | Harm | | | | | | | | | | | | | | | | | | | | | |
| | Release | Major | Moderate | Minor | | | | | | | | | | | | | | | | | | | |
| Actual | | | | Percent 15.0% | | | | | | | | | | | | | | | | | | | |
| Potential | x | | | | | | | | | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td rowspan="2" style="text-align: right; vertical-align: middle;">Percent 0.0%</td> </tr> </table> | | | | | Falsification | Major | Moderate | Minor | | | | | | | Percent 0.0% | | | | | | | |
| | Falsification | Major | Moderate | Minor | | | | | | | | | | | | | | | | | | | |
| | | | | | Percent 0.0% | | | | | | | | | | | | | | | | | | |
| Matrix Notes | Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation. | | | | | | | | | | | | | | | | | | | | | | |
| Adjustment | | | | \$21,250 | | | | | | | | | | | | | | | | | | | |
| | | | | \$3,750 | | | | | | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | | | | | | | | |
| Number of Violation Events | | 1 | Number of violation days | | | | | | | | | | | | | | | | | | | | |
| | | 51 | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td style="border: 1px solid black;"></td></tr> <tr><td>weekly</td><td style="border: 1px solid black;"></td></tr> <tr><td>monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td>quarterly</td><td style="border: 1px solid black; text-align: center;">x</td></tr> <tr><td>semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td>annual</td><td style="border: 1px solid black;"></td></tr> <tr><td>single event</td><td style="border: 1px solid black;"></td></tr> </table> | daily | | weekly | | monthly | | quarterly | x | semiannual | | annual | | single event | | Violation Base Penalty \$3,750 | | | | | | | |
| daily | | | | | | | | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | | | | | | | | |
| quarterly | x | | | | | | | | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | | | | | | | | |
| single event | | | | | | | | | | | | | | | | | | | | | | | |
| One quarterly event is recommended from the June 16, 2021 investigation date to the August 6, 2021 screening date. | | | | | | | | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | 0.0% | Reduction \$0 | | | | | | | | | | | | | | | | | | | | |
| Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | | | | | | | | | |
| Extraordinary | | | | | | | | | | | | | | | | | | | | | | | |
| Ordinary | | | | | | | | | | | | | | | | | | | | | | | |
| N/A | | x | | | | | | | | | | | | | | | | | | | | | |
| Notes | | The Respondent does not meet the good faith criteria for this violation. | | | | | | | | | | | | | | | | | | | | | |
| Violation Subtotal | | | | \$3,750 | | | | | | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | | | | | | | | | | | | | | | | | | | | | | |
| Statutory Limit Test | | | | | | | | | | | | | | | | | | | | | | | |
| Estimated EB Amount | | \$1,624 | Violation Final Penalty Total \$5,221 | | | | | | | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$5,221 | | | | | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Zuri Business LLC dba A-Z Food Mart
Case ID No. 61222
Reg. Ent. Reference No. RN102348562
Media Petroleum Storage Tank
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|---------|-------------|------------|------|------|---------|---------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$75 | 16-Jun-2021 | 1-Feb-2022 | 0.63 | \$2 | \$75 | \$77 |
| Other (as needed) | \$1,500 | 16-Jun-2021 | 1-Feb-2022 | 0.63 | \$47 | \$1,500 | \$1,547 |

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector test (\$75) and to implement interstitial monitoring release detection method for the UST and associated pressurized piping (\$1,500) at the Facility. The Dates Required are the investigation date, and the Final Dates are the date of ownership change.

Approx. Cost of Compliance

\$1,575

TOTAL

\$1,624

| Screening Date 6-Aug-2021 Respondent Zuri Business LLC dba A-Z Food Mart Case ID No. 61222 Reg. Ent. Reference No. RN102348562 Media Petroleum Storage Tank Enf. Coordinator John Fennell | Docket No. 2021-1155-PST-E <div style="border: 1px solid black; padding: 2px;"> Violation Number 2 </div> <div style="border: 1px solid black; padding: 2px;"> Rule Cite(s) 30 Tex. Admin. Code § 334.605(d) </div> <div style="border: 1px solid black; padding: 2px;"> Violation Description Failed to retrain the certified Class A and Class B Operator by January 1, 2020, regardless of the three-year re-training requirement, with a course submitted to and approved by TCEQ after April 1, 2018. Specifically, the certified Class A and Class B Operator, last trained on June 25, 2018, should have retrained after the April 12, 2019 training approval date and before the January 1, 2020 retraining due date. </div> | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | | | | | | | | | | | | | | | | |
|--|---|--|----------|----------------|-----------------------------------|----------------|--|-----------|----------|---------------------|--|--------|---|--------------|-------|--|---|---------------------|
| Base Penalty \$25,000 | | | | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | | | |
| OR | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;"></th> <th style="width:15%;">Major</th> <th style="width:15%;">Moderate</th> <th style="width:15%;">Minor</th> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table> | | Major | Moderate | Minor | Release | | | | Actual | | | | Potential | | | x | Percent 3.0% |
| | | Major | Moderate | Minor | | | | | | | | | | | | | | |
| | Release | | | | | | | | | | | | | | | | | |
| Actual | | | | | | | | | | | | | | | | | | |
| Potential | | | x | | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | | | |
| Matrix Notes | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Falsification</th> <th style="width:15%;">Major</th> <th style="width:15%;">Moderate</th> <th style="width:15%;">Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> | Falsification | Major | Moderate | Minor | | | | | Percent 0.0% | | | | | | | | |
| | Falsification | Major | Moderate | Minor | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. | | Adjustment \$24,250 | | | | | | | | | | | | | | | | |
| | | \$750 | | | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | | | |
| Number of Violation Events 1 | | 583 Number of violation days | | | | | | | | | | | | | | | | |
| | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table> | daily | | weekly | | monthly | | quarterly | | semiannual | | annual | | single event | x | Violation Base Penalty \$750 | | |
| daily | | | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | | | |
| quarterly | | | | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | | | |
| single event | x | | | | | | | | | | | | | | | | | |
| One single event is recommended. | | | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | | | | | | | | | | | | | | | | | |
| 0.0% | | Reduction \$0 | | | | | | | | | | | | | | | | |
| <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;"></th> <th style="width:35%;">Before NOE/NOV</th> <th style="width:35%;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>Notes</td> <td colspan="2" style="border: 1px solid black; padding: 5px;"> The Respondent does not meet the good faith criteria for this violation. </td> </tr> </table> | | | | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | Extraordinary | | | Ordinary | | | N/A | x | | Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | | |
| Extraordinary | | | | | | | | | | | | | | | | | | |
| Ordinary | | | | | | | | | | | | | | | | | | |
| N/A | x | | | | | | | | | | | | | | | | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | | | | | | | | | | | | | | | |
| | | Violation Subtotal \$750 | | | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | | | | | | | | | | | | | | | | | |
| Statutory Limit Test | | | | | | | | | | | | | | | | | | |
| Estimated EB Amount \$100 | Violation Final Penalty Total \$1,044 | | | | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) \$1,044 | | | | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Zuri Business LLC dba A-Z Food Mart
Case ID No. 61222
Reg. Ent. Reference No. RN102348562
Media Petroleum Storage Tank
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|------------|------------|------|------|------|-------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$90 | 1-Jan-2020 | 1-Feb-2022 | 2.09 | \$10 | \$90 | \$100 |

Notes for AVOIDED costs

Estimated avoided cost to retrain the Class A and Class B Operator for the Facility. The Date Required is the retraining due date, and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$90

TOTAL

\$100

| | | |
|--|-----------------------------------|--|
| Screening Date 6-Aug-2021 Respondent Zuri Business LLC dba A-Z Food Mart Case ID No. 61222 Reg. Ent. Reference No. RN102348562 Media Petroleum Storage Tank Enf. Coordinator John Fennell | Docket No. 2021-1155-PST-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|--|-----------------------------------|--|

| | | | |
|------------------------------|--|------------------------------------|--|
| Violation Number | 3 | Rule Cite(s) | |
| | | 30 Tex. Admin. Code § 334.10(b)(2) | |
| Violation Description | Failed to assure that all UST recordkeeping requirements are met. Specifically, financial assurance, corrosion protection, and 30-day walkthrough inspection records of spill prevention equipment and release detection equipment were not available for review at the time of the investigation. | | |

| | |
|---------------------|----------|
| Base Penalty | \$25,000 |
|---------------------|----------|

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|----------------------|----------------------|----------------------|--|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="0.0%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| | | | | | |
|--|----------------------|----------------------|----------------------|-------|--|
| | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | x | Percent <input type="text" value="1.0%"/> |

| | |
|--------------|--|
| Matrix Notes | Less than 30% of the rule requirement was not met. |
|--------------|--|

| | |
|-------------------|----------|
| Adjustment | \$24,750 |
|-------------------|----------|

| | |
|--|-------|
| | \$250 |
|--|-------|

Violation Events

| | | | |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 51 | Number of violation days |
|----------------------------|---|----|--------------------------|

| | | | |
|--|--------------|----------------------|--|
| | daily | <input type="text"/> | Violation Base Penalty <input type="text" value="\$250"/> |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input type="text"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | x | |

| |
|----------------------------------|
| One single event is recommended. |
|----------------------------------|

Good Faith Efforts to Comply

| | |
|-------------|---|
| 0.0% | Reduction <input type="text" value="\$0"/> |
|-------------|---|

| | | | |
|---------------|----------------------|-----------------------------------|--|
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input type="text"/> | <input type="text"/> | |
| N/A | x | <input type="text"/> | |

| | |
|-------|--|
| Notes | The Respondent does not meet the good faith criteria for this violation. |
|-------|--|

| | |
|---------------------------|-------|
| Violation Subtotal | \$250 |
|---------------------------|-------|

Economic Benefit (EB) for this violation

| | |
|----------------------------|------------------------------------|
| Estimated EB Amount | <input type="text" value="\$139"/> |
|----------------------------|------------------------------------|

Statutory Limit Test

| | |
|--------------------------------------|------------------------------------|
| Violation Final Penalty Total | <input type="text" value="\$348"/> |
|--------------------------------------|------------------------------------|

| | |
|--|------------------------------------|
| This violation Final Assessed Penalty (adjusted for limits) | <input type="text" value="\$348"/> |
|--|------------------------------------|

Economic Benefit Worksheet

Respondent Zuri Business LLC dba A-Z Food Mart
Case ID No. 61222
Reg. Ent. Reference No. RN102348562
Media Petroleum Storage Tank
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|-------|-------------|------------|------|-----|-------|-------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$135 | 16-Jun-2021 | 1-Feb-2022 | 0.63 | \$4 | \$135 | \$139 |

Notes for AVOIDED costs

Estimated avoided cost (\$45 per record) to maintain financial assurance records, corrosion protection records, and 30-day walkthrough inspection records of spill prevention equipment and release detection equipment and make them available for inspection upon request by agency personnel. The Date Required is the investigation date, and the Final Date is the date of ownership change.

Approx. Cost of Compliance

\$135

TOTAL

\$139



Compliance History Report

Compliance History Report for CN605452986, RN102348562, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605452986, Zuri Business LLC

Classification: HIGH

Rating: 0.00

Regulated Entity: RN102348562, A-Z Food Mart

Classification: HIGH

Rating: 0.00

Complexity Points: 4

Repeat Violator: NO

CH Group: 14 - Other

Location: 11369 US HIGHWAY 69 NORTH IN TYLER, SMITH COUNTY, TEXAS 75706-5631

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
18532

Compliance History Period: September 01, 2015 to August 31, 2020

Rating Year: 2020

Rating Date: 09/01/2020

Date Compliance History Report Prepared: August 06, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 06, 2016 to August 06, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: John Fennell

Phone: (512) 239-2616

Site and Owner/Operator History:

- 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/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? FFP Operating Partners, L.P. OWNER OPERATOR since 9/5/1986
Zuri Business LLC OWNER OPERATOR since 12/1/2017
- 4) Who was/were the prior owner(s)/operator(s)? Ryhn, Inc., OWNER OPERATOR, 3/20/2006 to 11/30/2017

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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
Zuri Business LLC;
RN102348562

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1155-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Zuri Business LLC ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 11369 US Highway 69 North in Tyler, Smith County, Texas (Facility ID No. 18532) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During an investigation conducted on June 16, 2021, an investigator documented that Respondent:
 - a. Failed to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, the UST was installed on November 13, 2017, and Respondent was not using interstitial monitoring release detection method;
 - b. Failed to test the line leak detector at least once per year for performance and operational reliability;
 - c. Failed to monitor each pressurized pipe installed on or after January 1, 2009, for releases at a frequency of at least once every 30 days by using interstitial monitoring. Specifically, Respondent was not using interstitial monitoring release detection method for the pressurized piping associated with the UST system;
 - d. Failed to retain the certified Class A and Class B Operator by January 1, 2020, regardless of the three-year re-training requirement, with a course submitted to and approved by TCEQ after April 1, 2018. Specifically, the certified Class A and Class B Operator, last trained on June 25, 2018, and should have retrained after the April 12, 2019 training approval date and before the January 1, 2020 retraining due date; and

- e. Failed to assure that all UST recordkeeping requirements are met. Specifically, financial assurance, corrosion protection, and 30-day walkthrough inspection records of spill prevention equipment and release detection equipment were not available at the time of the investigation.
3. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of January 31, 2022.
4. 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 Zuri Business LLC" (the "EDFARP") in the TCEQ Chief Clerk's office on July 20, 2023.
5. The EDFARP was mailed to Respondent's last known address on July 20, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."
6. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on August 24, 2023.
7. By letter dated August 24, 2023, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDFARP.
8. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to test the line leak detector at least once per year for performance and operational reliability, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to monitor each pressurized pipe installed on or after January 1, 2009, for releases at a frequency of at least once every 30 days by using interstitial monitoring, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(iii).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to retain the certified Class A and Class B Operator by January 1, 2020, regardless of the three-year re-training requirement, with a course submitted to and approved by TCEQ after April 1, 2018, in violation of 30 TEX. ADMIN. CODE § 334.605(d).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2).
7. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

8. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer 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 Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount \$6,613 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. 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. Respondent is assessed an administrative penalty in the amount of \$6,613 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Zuri Business LLC; Docket No. 2021-1155-PST-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed 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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MISTY D. JAMES

"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 Zuri Business LLC' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on July 20, 2023.

The EDFARP was mailed to Respondent's last known address on July 20, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk's office on August 24, 2023.

The EDFARP was mailed to Respondent's last known address on August 24, 2023, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first-class mail has not been returned, indicating that Respondent received notice of the EDFARP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

"My name is Misty D. James and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 26th day of April, 2024

A handwritten signature in black ink, appearing to read "Misty D. James".

Declarant