

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NUMBER: 2004-1424-PST-E TCEQ ID NO.: RN102239456 CASE NO.: 19537

RESPONDENT NAME: MOHAMMAD ARSHAD DBA THE EAGLE STOP

### ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

### CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> DRY CLEANER REGISTRATION	

**SITE WHERE VIOLATION(S) OCCURRED:** 101 IH 35 NW, Hillsboro, Hill County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 12, 2007. No comments were received.

### CONTACTS AND MAILING LIST:

**TCEQ Attorney:** Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

**TCEQ Enforcement Coordinator:** Ms. Sherronda Martin, Enforcement Division, Section III, MC R-12, (713) 767-3680

**TCEQ Regional Contact:** Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3007

**Respondent:** Mr. Mohammad Arshad, Mohammad Arshad dba The Eagle Stop, 1302 Alford Drive, Hillsboro, Texas 76645

**Respondent's Attorney:** Not represented by counsel.

**RESPONDENT'S NAME: MOHAMMAD ARSHAD DBA THE EAGLE STOP**  
**DOCKET NO.: 2004-1424-PST-E**

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> ___ Complaint ___ Routine            ___ Enforcement Follow-up <u>X</u> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date(s) of Investigation(s) Relating to this Case:</b> February 25, 2003 and August 6, 2004</p> <p><b>Date(s) of NOV(s)/NOE(s) Relating to this Case:</b> February 25, 2003 (NOV)</p> <p><b>Background Facts:</b></p> <p>This is a financial assurance case where we had difficulty locating the owner. Although the Station has been sold, the Facility still exists.</p> <p>The EDPRP was filed on March 6, 2006. The green card was signed on March 7, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PST:</b></p> <p>Failed to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p><b>Total Assessed:</b> \$3,150</p> <p><b>Total Deferred:</b> \$0</p> <p>___ Expedited Settlement</p> <p>___ Financial Inability to Pay</p> <p><b>Total Due to General Revenue:</b> \$3,150</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b>            ___ High <u>X</u> Avg. ___ Poor</p> <p><b>Person Compliance History Classification:</b>            ___ High <u>X</u> Avg. ___ Poor</p> <p><b>Major Source:</b> ___ Yes <u>X</u> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions</b></p> <p>There are no technical requirements to be taken because the Respondent no longer operates the Facility.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

**DATES**

PCW  Screening  Priority Due  EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent	Mohammad Arshad dba The Eagle Stop		
Reg. Ent. Ref. No.	RN102239456		
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 47549		
Facility/Site Region	<input checked="" type="checkbox"/> 9-Waco	Major/Minor Source	<input checked="" type="checkbox"/> Minor Source

**CASE INFORMATION**

Enf./Case ID No.	<input type="text" value="19537"/>	No. of Violations	<input type="text" value="1"/>
Docket No.	<input type="text" value="2004-1424-PST-E"/>	Order Type	<input checked="" type="checkbox"/> 1660 without deferral
Case Priority	<input checked="" type="checkbox"/> 3	Enf. Coordinator	<input type="text" value="Brandon Smith"/>
Media Program(s)	<input checked="" type="checkbox"/> Petroleum Storage Tank	EC's Team	<input checked="" type="checkbox"/> Enforcement Team 5
Multi-Media	<input type="text" value="N/A"/>		
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$0"/>	Maximum	<input type="text" value="\$10,000"/>

## Penalty Calculation Section

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

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

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

**Compliance History**  Enhancement: Subtotals 2, 3, & 7

Notes

**Culpability**  No  0% Enhancement: Subtotal 4

Notes

**Good Faith Effort to Comply**  Reduction: Subtotal 5

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with a small x)

Notes

**Economic Benefit**  Enhancement: Subtotal 6

Total EB Amounts	<input type="text" value="\$1,365"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$1,300"/>	

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

Screening Date 01-2004

Docket No. 2004-1424-PS

PCW

Respondent Mohammad Arshad dba The Eagle Stop

Policy Revision 2 (September 2002)

Case ID No. 19537

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102239456

Additional ID No(s). Petroleum Storage Tank Facility ID No. 47549

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Brandon Smith

Site Address 101 IH 35 NW, Hillsboro, Hill County

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	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)	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%
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)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes: The respondent received one agency issued NOV for a same or similar violation during the past five years.

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

Screening Date 08-Sep-2004

Docket No. 2004-1424-PS

PCW

Respondent Mohammad Arshad dba The Eagle Stop

Policy Revision 2 (September 2002)

Case ID No. 19537

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102239456

Additional ID No(s). Petroleum Storage Tank Facility ID No. 47549

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Brandon Smith

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a 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

Three single events for three tanks (one per tank) are recommended for the violation documented during the record review conducted on August 6, 2004.

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: Mohammad Arshad dba The Eagle Stop  
 Case ID No. 19537  
 Reg. Ent. Reference No. RN102239456  
 Additional ID No(s). Petroleum Storage Tank Facility ID No. 47549  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 1

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest		Years of Depreciation
						Onetime Costs	EB Amount	
<b>Delayed Costs</b>								
Equipment				0.0	\$0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0
Engineering/construction				0.0	\$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	\$0
Personnel				0.0	\$0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0	\$0
Financial Assurance [2]	\$1,300	07-Nov-2001	07-Nov-2002	1.0	\$65	\$1,300	\$1,365	\$1,365
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for the petroleum USTs. Date required is one year prior to the first letter requesting evidence of insurability. Final date is one year later as this is an annual requirement.

Approx. Cost of Compliance \$1,300

TOTAL \$1,365

## Compliance History

Customer/Respondent/Owner-Operator: CN601195316 ARSHAD, MOHAMMAD  
 Classification: AVERAGE Rating: 1.00

Regulated Entity: RN102239456 THE EAGLE STOP  
 Classification: AVERAGE, Site Rating: 1.5

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 47549

Location: 101 I 35 HWY NW, HILLSBORO, TX, 76645 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: September 07, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 07, 1999 to September 07, 2004

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

Name: Brandon Smith Phone: (512) 239-4471

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 08/26/2004 (288524)
- 2 02/25/2003 (276260)

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

Date: 02/25/2003 (276260)

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

Classification: Moderate

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  
MOHAMMAD ARSHAD  
DBA THE EAGLE STOP,  
RN102239456**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER  
DOCKET NO. 2004-1424-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 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 Mohammad Arshad dba The Eagle Stop ("Mr. Arshad").

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

**FINDINGS OF FACT**

1. Mr. Arshad operated a convenience store with retail sales of gasoline located at 101 IH 35 NW, Hillsboro, Hill County, Texas (the "Facility").
2. Mr. Arshad's underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Arshad's USTs contain a regulated substance as defined in the rules of the Commission.
3. During record review on August 6, 2004, TCEQ Central Office staff documented that Mr. Arshad failed to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.
4. Mr. Arshad received notice of the violation on or about August 26, 2004.
5. 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

Mohammad Arshad dba The Eagle Stop” (the “EDPRP”) in the TCEQ Chief Clerk’s office on March 6, 2006.

6. By letter dated March 6, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Arshad with notice of the EDPRP. According to the return receipt “green card”, Mr. Arshad received notice of the EDPRP on March 7, 2006, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Mr. Arshad received notice of the EDPRP, provided by the Executive Director. Mr. Arshad failed to file an answer to the EDPRP, 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, Mr. Arshad is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Arshad failed to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operating of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815 (a) and (b).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Arshad with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7; Mr. Arshad has failed to file a timely answer to the EDPRP, 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 Mr. Arshad and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Arshad 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.

6. An administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. 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. Mr. Arshad is assessed an administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) for violations of TEX. WATER CODE chs. 7 and 26 and rules of the TCEQ. The payment of this administrative penalty and Mr. Arshad'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: Mohammad Arshad dba The Eagle Stop; Docket No. 2004-1424-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 to and be binding upon Mr. Arshad. Mr. Arshad is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. If Mr. Arshad 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, Mr. Arshad's failure to comply is not a violation of this Order. Mr. Arshad shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Arshad shall notify the Executive Director within seven days after Mr. Arshad 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 Mr. Arshad shall be made in writing to the Executive Director. Extensions are not effective until Mr. Arshad 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 Mr. Arshad if the Executive Director determines that Mr. Arshad 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.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JIM SALLANS**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Jim Sallans. 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, I 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 Mohammad Arshad dba The Eagle Stop” (the “EDPRP”) with the Office of the Chief Clerk on March 6, 2006.

I sent the EDPRP to Mr. Arshad at his last known address on March 6, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Mr. Arshad received notice of the EDPRP on March 7, 2006, as evidenced by the signature on the card.

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



\_\_\_\_\_  
Jim Sallans  
Attorney  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 12 day of January A.D., 2007.

  
\_\_\_\_\_  
Notary Signature