

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2004-1803-PST-E TCEQ ID: RN102716024 CASE NO.: 21682**

**RESPONDENTS' NAME: ALI BUKHARI DBA HONEY STOP AND SUE BUKHARI DBA HONEY STOP**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<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 type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 401 East Avenue, Baytown, Harris County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</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 Respondents have expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on February 12, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846                  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Shontay Wilcher, Waste Enforcement Division, MC 169, (512) 239- 2136  <b>TCEQ Regional Contact:</b> Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  <b>Respondents:</b> Mr. Ali Bukhari and Ms. Sue Bukhari, 401 East Texas Avenue, Baytown, TX 77520  <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></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b>  June, 24, 2003, August 16, 2004</p> <p><b>Date of NOE(s)/NOVs Relating to this Case:</b>  June 24, 2003 (NOV)  October 21, 2004 (NOE)</p> <p><b>Background Facts:</b>  A petition was filed April 21, 2005. An amended petition was filed on October 10, 2005. These Respondents were served and did not file an answer. Therefore, the Executive Director is seeking a Default Order.</p> <p>The Respondents in this case do not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PST:</b>  Failed to demonstrate financial assurance 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> \$1,090</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$1,090</p> <p>This is a Default Order. The Respondents have not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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>Corrective Action(s) Taken:</b></p> <p>The Respondents no longer own or operate the facility.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES							
PCW	01-Apr-2005	Screening	09-Nov-2004	Priority Due	07-Feb-2005	EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop
Reg. Ent. Ref. No.	RN102716024
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 32800
Facility/Site Region	12-Houston <input type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	21682	No. of Violations	1
Docket No.	2004-1803-PST-E	Order Type	1660 without deferral <input checked="" type="checkbox"/>
Case Priority	3 <input checked="" type="checkbox"/>	Enf. Coordinator	Shontay Wilcher
Media Program(s)	Petroleum Storage Tank <input checked="" type="checkbox"/>	EC's Team	Enforcement Team 2 <input checked="" type="checkbox"/>
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	9% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$90</b>
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Notes: Enhancement for one NOV with same or similar violations and two NOVs without the same or similar violations.

<b>Culpability</b>	No <input checked="" type="checkbox"/>	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent is not yet in compliance.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$683	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$650	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,090</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$1,090</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,090</b>
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<b>DEFERRAL</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended due to a previous NOV dated June 24, 2003 for same or similar violations within the past five years.

<b>PAYABLE PENALTY</b>	<b>\$1,090</b>
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<b>Screening Date</b>	09-Nov-2004	<b>Docket No.</b>	2004-1803-PST-E	<b>PCW</b>
<b>Respondent</b>	Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	21682	PCW Revision May 17, 2004		
<b>Reg. Ent. Reference No.</b>	RN102716024			
<b>Additional ID No(s).</b>	Petroleum Storage Tank Facility ID No. 32800			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Shontay Wilcher			
<b>Site Address</b>	401 East Texas Avenue, Baytown, Harris County, Texas 77520			

### 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 ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	2	4%
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 judgements 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</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	<i>Please Enter Yes or No</i>		
	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)**

#### >> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

#### >> Compliance History Person Classification (Subtotal 7)

**Adjustment Percentage (Subtotal 7)**

#### >> Compliance History Summary

**Compliance History Notes**

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

<b>Screening Date</b>	09-Nov-2004	<b>Docket No.</b>	2004-1803-PST-E	<b>PCW</b>
<b>Respondent</b>	Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	21682	<i>PCW Revision May 17, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN102716024			
<b>Additional ID No(s)</b>	Petroleum Storage Tank Facility ID No. 32800			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Shontay Wilcher			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 37.815 (a) and (b)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to demonstrate acceptable financial assurance 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.			
<b>Base Penalty</b>	\$10,000			

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			Percent <input type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**Adjustment:** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	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** \$1,000

One single event (one event per tank) are recommended based upon the record review conducted on August 16, 2004.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$683"/>	Violation Final Penalty Total <input type="text" value="\$1,090"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,090"/>	

### Economic Benefit Worksheet

**Respondent:** Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop  
**Case ID No.:** 21682  
**Reg. Ent. Reference No.:** RN102716024  
**Additional ID No(s):** Petroleum Storage Tank Facility ID No. 32800  
**Media [Statute]:** 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	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]	\$650	02-Apr-2002	02-Apr-2003	1.0	\$33	\$650	\$683
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated cost to provide financial assurance for one petroleum UST (\$650 per tank) for one year prior to April 2, 2003 request for financial assurance documentation.						

Approx. Cost of Compliance \$650

**TOTAL** \$683

# Compliance History

Customer/Respondent/Owner-Operator: CN601580947 BUKHARI ALI AND BUKHARI SUE Classification: AVERAGE Rating: 8.200

Regulated Entity: RN102716024 HONEY STOP Classification: AVERAGE Site Rating: 8.20  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 32800

Location: 401 E TEXAS AVE, BAYTOWN, TX, 77520 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 17, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 17, 1999 to November 17, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Shontay Wilcher Phone: (512) 239-2136

## 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. 10/21/2004 (290695)
2. 01/24/2003 (22405)
3. 12/12/2002 (18246)
4. 06/24/2003 (277145)

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

Date: 06/24/2003 (277145)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]

30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance

Date: 12/12/2002 (18246)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(4)[G]

Description: Failure to have cathodic protection system tested by a qualified corrosion specialist or corrosion technician in accordance within three to six months after installation and at a subsequent frequency of at least once every three years.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(J)

Description: Failure to maintain all components of the Stage II Vapor Recovery system to an approved condition free of defects that would impair the effectiveness of the system -- pressure/vacuum relief valves, vapor check valves, or Stage I dry breaks that are inoperative or defective.

Date: 12/04/2000 (141455)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: FAILURE TO COMPLY

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  
ALI BUKHARI DBA HONEY  
STOP AND SUE BUKHARI DBA  
HONEY STOP; RN102716024

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2004-1803-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 respondents made the subject of this Order are Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop ("Mr. and Ms. Bukhari").

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

**FINDINGS OF FACT**

1. Mr. and Ms. Bukhari owned and operated a convenience store with retail sales of gasoline located at 401 East Avenue, Baytown, Harris County, Texas (the "Facility").
2. Mr. and Ms. Bukhari's underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Bukhari and Ms. Bukhari's USTs contain a regulated substance as defined in the rules of the Commission.
3. During a record review on August 16, 2004, a TCEQ Senior Financial Analyst documented that Mr. and Ms. Bukhari failed to demonstrate financial assurance 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. and Ms. Bukhari received notice of the violation on or about October 26, 2004.
5. The Executive Director recognizes that the Facility has demonstrated acceptable financial assurance 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 on September 16, 2006.

6. 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 Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop" (the "EDPRP") in the TCEQ Chief Clerk's office on April 25, 2005.
7. By letter dated April 25, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. and Ms. Bukhari with notice of the EDPRP. According to the return receipt "green card," Mr. and Ms. Bukhari received notice of the EDPRP on April 27, 2005, as evidenced by the signatures on the cards.
8. More than 20 days have elapsed since Mr. and Ms. Bukhari received notice of the EDPRP, provided by the Executive Director. Mr. and Ms. Bukhari failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
9. 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 Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop" (the "EDFARP") in the TCEQ Chief Clerk's office on October 10, 2005.
10. By letter dated October 10, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. and Ms. Bukhari with notice of the EDFARP. The United States Postal Service returned both wrappers sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that both Mr. and Ms. Bukhari received notice of the EDFARP.
11. More than 20 days have elapsed since Mr. and Ms. Bukhari received notice of the EDFARP, provided by the Executive Director. Mr. and Ms. Bukhari failed to file an answer to the EDFARP, 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. and Ms. Bukhari are 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. and Ms. Bukhari failed to demonstrate financial assurance 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, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact Nos. 6, 7, 9, and 10, the Executive Director has timely served Mr. and Ms. Bukhari with proper notice of the EDPRP and EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact Nos. 8 and 11, Mr. and Ms. Bukhari have failed to file a timely answer to the EDPRP or EDFARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. and Ms. Bukhari 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. and Ms. Bukhari 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 one thousand ninety dollars (\$1,090.00) 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. and Ms. Bukhari are assessed an administrative penalty in the amount of one thousand ninety dollars (\$1,090.00) for violations of TEX. WATER CODE ch. 26 and rules

of the TCEQ. The payment of this administrative penalty and Mr. and Ms. Bukhari'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: Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop; Docket No. 2004-1803-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. and Ms. Bukhari. Mr. and Ms. Bukhari are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. 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. and Ms. Bukhari if the Executive Director determines that Mr. and Ms. Bukhari have not complied with one or more of the terms or conditions in this Order.
5. 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.
6. 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.

Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop  
DOCKET NO. 2004-1803-PST-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

My name is Jacquelyn Boutwell. 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 Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop (EDPRP) with the Office of the Chief Clerk on April 25, 2005.

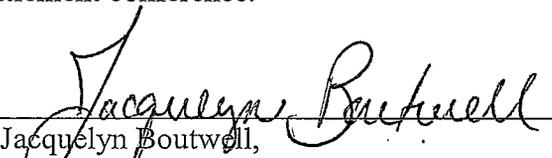
I sent the EDPRP to Mr. Bukhari and Ms. Bukhari at the last known address on April 25, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt green cards, Mr. Bukhari and Ms. Bukhari received notice of the EDPRP on April 27, 2005, as evidenced by the signatures on both cards.

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Ali Bukhari dba Honey Stop and Sue Bukhari dba Honey Stop" (the "EDFARP") was filed with the Office of the Chief Clerk on October 10, 2005.

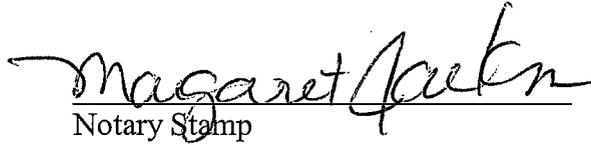
The EDFARP was mailed to their last known address on October 10, 2005, via certified mail, return receipt requested, and via first class mail, postage prepaid. The first class mail has not been returned, indicating that Mr. Bukhari and Ms. Bukhari received notice of the EDFARP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

  
Jacquelyn Boutwell,  
Attorney  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 29 day of November, A.D., 2007.

  
Notary Stamp

