

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-0720-MWD-E TCEQ ID RN103759106 CASE NO. 37730
RESPONDENT NAME: MOHAMMED VASEL AHMED

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

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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

SITE WHERE VIOLATION(S) OCCURRED: 1500 feet east of United States Highway 59 and 1500 feet south of the U.S. Highway 59 bridge over Willis Creek, Polk County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No N/A

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired January 18, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Tammy L. Mitchell, Litigation Division, MC 175, (512) 239-0736
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Steve Vallatoro, Water Enforcement Section, MC 169, (512) 239-4930

TCEQ Regional Contact: Mr. Ronald Herbert, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. Mohammed Vasel Ahmed, 318 East Washington St., Bath, New York 14871

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None.</p> <p>Date of Investigation Relating to this Case: March 20, 2009</p> <p>Date of NOE Relating to this Case: April 30, 2009</p> <p>Background Facts: The EDPRP was filed on October 2, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on October 5, 2009. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>MWD: Failed to obtain authorization to discharge wastewater under a Texas Pollutant Discharge Elimination System ("TPDES") permit [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.42(a)].</p>	<p>Total Assessed Penalty: \$2,140</p> <p>Total Due to General Revenue: \$2,140</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>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, submit an administratively complete permit application; 2. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such request or by any other deadline specified in writing; 3. Within 45 days, submit written certification demonstrating compliance with ordering provision No. 1; and 4. Within 180 days, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such a time that appropriate authorization is obtained.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-May-2009			
	PCW	18-Aug-2009	Screening	15-May-2009	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Mohammed Vasel Ahmed				
Reg. Ent. Ref. No.	RN103759106				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	37730	No. of Violations	1		
Docket No.	2009-0720-MWD-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Steve Villatoro		
		EC's Team	Enforcement Team 1		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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.

Compliance History	7.0% Enhancement	Subtotals 2, 3, & 7	\$140
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Notes: The penalty is enhanced due to one NOV with same/similar violations to those cited in this action and one NOV without same or similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$504
 Approx. Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,140
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,140
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,140
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$2,140
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Screening Date 15-May-2009

Docket No. 2009-0720-MWD-E

PCW

Respondent Mohammed Vasel Ahmed

Policy Revision 2 (September 2002)

Case ID No. 37730

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103759106

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 7%

>> 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 penalty is enhanced due to one NOV with same/similar violations to those cited in this action and one NOV without same or similar violations.

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

Screening Date 15-May-2009 **Docket No.** 2009-0720-MWD-E **PCW**
Respondent Mohammed Vasel Ahmed *Policy Revision 2 (September 2002)*
Case ID No. 37730 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN103759106
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro

Violation Number 1
Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.42(a)
Violation Description Failed to obtain authorization to discharge wastewater under a Texas Pollutant Discharge Elimination System permit as required. Specifically, the Facility was discharging wastewater without authorization, as documented during a record review conducted on March 20, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 0%	
	Release	Major	Moderate		Minor
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 10%
		x			

Matrix Notes 100% of rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 56 Number of violation days

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

Violation Base Penalty \$2,000

Two monthly events are recommended from the investigation date (March 20, 2009) to the screening date (May 15, 2009).

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EUP/RF/ Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$504 **Violation Final Penalty Total** \$2,140

This violation Final Assessed Penalty (adjusted for limits) \$2,140

Economic Benefit Worksheet

Respondent Mohammed Vasel Ahmed
Case ID No. 37730
Reg. Ent. Reference No. RN103759106
Media Water Quality
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
No commas or \$							

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	\$5,000	24-Jun-2008	30-Jun-2010	2.02	\$504	n/a	\$504
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of preparing and submitting a new permit application to obtain authorization to discharge wastewater. Date required is the initial investigation date and Final Date is expected date compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$504

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603394230 AHMED, MOHAMMED VASEL	Classification: AVERAGE	Rating: 13.67
Regulated Entity:	RN103759106 SEVEN OAKS SEWER PLANT	Classification: AVERAGE	Site Rating: 13.67
ID Number(s):	WASTEWATER PERMIT		WQ0012839001
	WASTEWATER EPA ID		TPDES0094293
	WASTEWATER PERMIT		TPDES0094293
	WASTEWATER PERMIT		TX0094293
Location:	1500 feet east of United States Highway 59 and 1500 feet south of the United States Highway 59 bridge over Willis Creek in Polk County, Texas		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	June 02, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 15, 2004 to May 15, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Steve Villatoro	Phone:	512-239-4930

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? AHMED, MOHAMMED VASEL
4. If Yes, who was/were the prior owner(s)/operator(s) ? Adore Life Corporation
POUNDERS, MARVIN LESTER
5. When did the change(s) in owner or operator occur? 11/1/2007
6. Rating Date: 9/1/2008 Repeat Violator: NO 05/10/2006

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	02/21/2008	(679856)	
2	08/20/2008	(689124)	
3	04/30/2009	(739481)	
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/21/2008	(679856)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		

Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	08/20/2008	(689124)		
Self Report?	NO		Classification:	Major
Citation:		TWC Chapter 26 26.121		
Description:		Failure by Mr. Mohammed Ahmed to obtain authorization from the Commission prior to discharging sewage to waters of the State.		

- 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
MOHAMMED VASEL AHMED;
RN103759106

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2009-0720-MWD-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 and corrective action of the respondent. The respondent made the subject of this Order is Mohammed Vasel Ahmed ("Mr. Ahmed").

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

FINDINGS OF FACT

1. Mr. Ahmed owns a wastewater treatment plant located 1500 feet east of United States ("U.S.") Highway 59 and 1500 feet south of the U.S. Highway 59 bridge over Willis Creek in Polk County, Texas (the "Facility").
2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Texas Water Code.
3. During a record review conducted on March 20, 2009, a TCEQ Beaumont Regional Office investigator documented that Mr. Ahmed failed to obtain authorization to discharge wastewater under a Texas Pollutant Discharge Elimination System ("TPDES") permit.
4. Mr. Ahmed received notice of the violation on or about May 5, 2009.
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

Mohammed Vasel Ahmed” (the “EDPRP”) in the TCEQ Chief Clerk’s office on October 2, 2009.

6. By letter dated October 2, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Ahmed with notice of the EDPRP. According to the return receipt “green card,” Mr. Ahmed received notice of the EDPRP on October 5, 2009, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Mr. Ahmed received notice of the EDPRP, provided by the Executive Director. Mr. Ahmed 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. Ahmed 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. Ahmed failed to obtain authorization to discharge wastewater under a TPDES permit, in violation of 30 TEX. ADMIN. CODE § 305.42(a) and TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Mr. Ahmed 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. Ahmed 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. Ahmed 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. Ahmed for violations of the Texas Water 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 two thousand one hundred forty dollars (\$2,140.00) 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. Ahmed is assessed an administrative penalty in the amount of two thousand one hundred forty dollars (\$2,140.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Mr. Ahmed'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: Mohammed Vasel Ahmed; Docket No. 2009-0720-MWD-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. Mr. Ahmed shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Mr. Ahmed shall submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Application Review and Processing Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Mr. Ahmed shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such request or by any other deadline specified in writing;

- c. Within 45 days after the effective date of this Order, Mr. Ahmed shall submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e below;
- d. Within 180 days after the effective date of this Order, Mr. Ahmed shall submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained, in accordance with Ordering Provision No. 2.e below; and
- e. The certification required by Ordering Provision Nos. 2.c. and 2.d. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Ronald Hebert, Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Ahmed. Mr. Ahmed is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Mr. Ahmed 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. Ahmed's failure to comply is not a violation of this Order. Mr. Ahmed shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Ahmed shall notify the Executive Director within seven days after Mr. Ahmed becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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. Ahmed shall be made in writing to the Executive Director. Extensions are not effective until Mr. Ahmed receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
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 Mr. Ahmed if the Executive Director determines that Mr. Ahmed has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.

Mohammed Vasel Ahmed
Docket No. 2009-0720-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF TAMMY L. MITCHELL

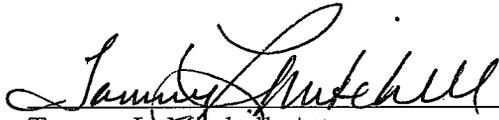
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Mohammed Vasel Ahmed’ (the ‘EDPRP’) was filed with the Office of the Chief Clerk on October 2, 2009.

The EDPRP was mailed to Mr. Ahmed at his last known address on October 2, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Mr. Ahmed received notice of the EDPRP on October 5, 2009, as evidenced by the signature on the card.

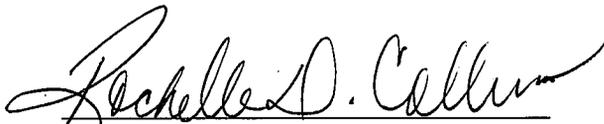
More than 20 days have elapsed since Mr. Ahmed received notice of the EDPRP. Mr. Ahmed failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Tammy L. Mitchell, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tammy L. Mitchell, 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 20th day of NOVEMBER A.D., 2009.



Notary Signature

