

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47049
NIAZI FAMILY INVESTMENTS, LTD.
RN101520344
Docket No. 2013-1155-IWD-E

Order Type:
Default Order

Media:
IWD

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
17141 East Freeway, Channelview, Harris County

Type of Operation:
convenience store and truck stop with an associated wastewater treatment facility

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: January 31, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$17,187

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$17,187

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

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: May 8, 2013
Date(s) of NOV(s): March 5, 2013
Date(s) of NOE(s): June 3, 2013

Violation Information

Failed to obtain authorization prior to operating a wastewater treatment plant [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.64(a), (b), and (e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Immediately, and until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit effluent limits and conditions in expired Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003517000.
2. Within 30 days, submit an administratively complete TPDES permit application for the Facility.
3. Within 45 days, submit certification demonstrating compliance with Technical Requirements Nos. 1 and 2.
4. Within 300 days, submit certification demonstrating either that authorization to operate the Facility has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

Litigation Information

Date Petition(s) Filed: October 2, 2013
Date Green Card(s) Signed: October 14, 2013
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Blas Coy, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Nick Nevid, Enforcement Division, (512) 239-2612

TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3581

Respondent: Zaki Niazi, Director, Niazi Management, Inc., General Partner, NIAZI FAMILY INVESTMENTS, LTD., 14825 Willis Street, Houston, Texas 77039

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	10-Jun-2013		
	PCW	29-Aug-2013	Screening	12-Jun-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	NIAZI FAMILY INVESTMENTS, LTD.
Reg. Ent. Ref. No.	RN101520344
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47049	No. of Violations	1
Docket No.	2013-1155-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nick Nevid
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,750
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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	25.0% Enhancement Subtotals 2, 3, & 7	\$3,437

Notes: Enhancement for one NOV with a same/similar violation and one order with denial language.

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: \$1,081
 Approx. Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,187
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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 \$17,187

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,187
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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	\$17,187
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Screening Date 12-Jun-2013

Docket No. 2013-1155-IWD-E

PCW

Respondent NIAZI FAMILY INVESTMENTS, LTD.

Policy Revision 3 (September 2011)

Case ID No. 47049

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101520344

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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 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%
<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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with a same/similar violation and one order with denial language.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date	12-Jun-2013	Docket No.	2013-1155-IWD-E	PCW
Respondent	NIAZI FAMILY INVESTMENTS, LTD.		Policy Revision 3 (September 2011)	
Case ID No.	47049	PCW Revision August 3, 2011		
Reg. Ent. Reference No.	RN101520344			
Media [Statute]	Water Quality			
Enf. Coordinator	Nick Nevid			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin Code § 305.64(a), (b), and (e)			
Violation Description	Failed to obtain authorization prior to operating a wastewater treatment plant, as documented during an investigation conducted on May 8, 2013. Specifically, the Respondent began operating the Facility as of August 7, 2012 without transferring and renewing Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003517000, which expired on April 1, 2013, and continued to operate the Facility without authorization.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		X			
	100% of the rule requirement was not met.				
Adjustment					\$23,750

\$1,250

Violation Events

Number of Violation Events	11	Number of violation days	309	Violation Base Penalty															
<table border="1"> <tr> <td rowspan="7"><i>mark only one with an x</i></td> <td>daily</td> <td></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td>X</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></td> </tr> </table>					<i>mark only one with an x</i>	daily		weekly		monthly	X	quarterly		semiannual		annual		single event	
<i>mark only one with an x</i>	daily																		
	weekly																		
	monthly	X																	
	quarterly																		
	semiannual																		
	annual																		
	single event																		
<p>Eleven monthly events are recommended from the date of ownership change (August 7, 2012) to the screening date (June 12, 2013).</p>																			

Good Faith Efforts to Comply 0.0% Reduction \$0

		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	X	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$13,750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount	\$1,081	Violation Final Penalty Total	\$17,188
This violation Final Assessed Penalty (adjusted for limits)		\$17,188	

Economic Benefit Worksheet

Respondent NIAZI FAMILY INVESTMENTS, LTD.
Case ID No. 47049
Reg. Ent. Reference No. RN101520344
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	\$10,000	7-Aug-2012	5-Oct-2014	2.16	\$1,081	n/a	\$1,081
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare and submit a permit application to obtain authorization to treat and discharge wastewater. Date required is the date of ownership change. Final date is the expected date of 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	\$10,000	TOTAL	\$1,081
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603616152, RN101520344, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603616152, NIAZI FAMILY INVESTMENTS, LTD. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101520344, MIRAGE STOP **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: Located on the northwest corner of the intersection of Interstate Highway (IH) 10 and Magnolia Avenue, approximately 1.8 miles west of the intersection of IH 10 and the San Jacinto River in Houston, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): WASTEWATER PERMIT WQ0003517000 **WASTEWATER EPA ID** TX0117552

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: June 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 10, 2008 to June 10, 2013

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

Name: Nick Nevid

Phone: (512) 239-2612

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) If YES for #2, who is the current owner/operator? NIAZI FAMILY INVESTMENTS, LTD., Owner since 8/7/2012
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? Magnolia Truck Stop Inc., Owner, 10/3/2007 to 8/6/2012
Mirage Stop, Inc., Owner, 4/18/2002 to 3/21/2011
- 5) If YES, when did the change(s) in owner or operator occur? August 7, 2012

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

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

- 1 **Effective Date:** 11/30/2012 **ADMINORDER** 2012-0330-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter D 305.64(b)
Description: Failed to obtain authorization prior to operating a wastewater treatment plant

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2008	(732691)
Item 2	October 02, 2009	(818936)
Item 3	February 21, 2012	(999727)
Item 4	March 19, 2012	(1005269)
Item 5	April 18, 2012	(1011845)
Item 6	May 15, 2012	(1018207)
Item 7	July 16, 2012	(1033301)
Item 8	August 16, 2012	(1039814)
Item 9	August 24, 2012	(1039813)
Item 10	September 10, 2012	(1048760)
Item 11	October 09, 2012	(1069524)
Item 12	November 12, 2012	(1069525)
Item 13	November 16, 2012	(1097494)
Item 14	December 12, 2012	(1069526)
Item 15	January 11, 2013	(1082821)
Item 16	February 11, 2013	(1082820)
Item 17	March 08, 2013	(1091158)
Item 18	April 11, 2013	(1097492)
Item 19	May 29, 2013	(1097493)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NIAZI FAMILY
INVESTMENTS, LTD.;
RN101520344**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-1155-IWD-E

At its _____ agenda meeting, 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 NIAZI FAMILY INVESTMENTS, LTD. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a convenience store and truck stop with an associated wastewater treatment facility located at 17141 East Freeway in Channelview, Harris County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on May 8, 2013, a TCEQ Houston Regional Office investigator documented that Respondent failed to obtain authorization prior to operating a wastewater treatment plant. Specifically, Respondent began operating the Facility as of August 7, 2012, without transferring and renewing Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003517000, which expired on April 1, 2013, and continued to operate the Facility without authorization.
3. Respondent received notice of the violation on or about June 8, 2013.
4. 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 NIAZI FAMILY INVESTMENTS, LTD." (the "EDPRP") in the TCEQ Chief Clerk's office on October 2, 2013.
5. By letter dated October 2, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on October 14, 2013, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. 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 Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to obtain authorization prior to operating a wastewater treatment plant, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.64(a), (b), and (e).
3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 6, 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.
5. 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 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 seventeen thousand one hundred eighty-seven dollars (\$17,187.00) 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. Respondent is assessed an administrative penalty in the amount of seventeen thousand one hundred eighty-seven dollars (\$17,187.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent'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.
2. The administrative 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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: NIAZI FAMILY INVESTMENTS, LTD.; Docket No. 2013-1155-IWD-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

3. Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, Respondent shall comply with the permit effluent limits and conditions in expired TPDES Permit No. WQ0003517000.
 - b. Within 30 days after the effective date of this Order, Respondent shall submit an administratively complete TPDES permit application for the Facility 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
 - c. Respondent 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 requests or by any other deadline specified in writing.
 - d. Within 45 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.f., below, to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b.
 - e. Within 300 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.f., below, to demonstrate either that authorization to operate the Facility has been obtained or that operation has ceased until such time that appropriate authorization is obtained.
 - f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Steve Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Ste. H
Houston TX 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 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.
8. 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.
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 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

AFFIDAVIT OF JENNIFER COOK

STATE OF TEXAS

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COUNTY OF TRAVIS

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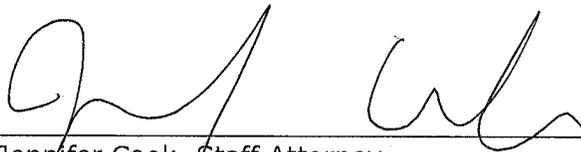
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"My name is Jennifer Cook. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

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 NIAZI FAMILY INVESTMENTS, LTD." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 2, 2013.

The EDPRP was mailed to Respondent's last known address on October 2, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on October 14, 2013, as evidenced by the signature on the card.

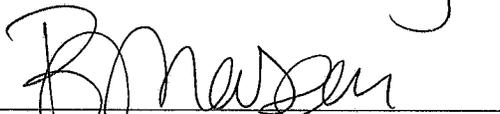
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



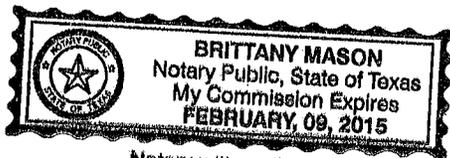
Jennifer Cook, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jennifer Cook, 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 6th day of January A.D. 2013.



Notary Signature



Notary without Bond