

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0157-WQ-E **TCEQ ID:** RN104587464 **CASE NO.:** 32511  
**RESPONDENT NAME:** Electra Custom Homes, Inc.

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input 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 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                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Aurora Vista, 1.5 miles west of United States Highway 287 and south of State Highway 114, Aurora, Wise County</p> <p><b>TYPE OF OPERATION:</b> Construction site for a single family housing development</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 Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896<br/> <b>Respondent:</b> Mr. Chris Somoge, Vice President, Electra Custom Homes, Inc., 601 Old Base Road, Rhome, Texas 76078<br/> <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><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b><br/>None</p> <p><b>Date of Investigation Relating to this Case:</b><br/>November 7, 2006</p> <p><b>Date of NOE Relating to this Case:</b> January 16, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to obtain authorization to discharge storm water associated with construction activity [30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].</p> | <p><b>Total Assessed:</b> \$800</p> <p><b>Total Deferred:</b> \$160<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$640</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <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 Actions Taken:</b></p> <p>The Executive Director recognizes that Electra submitted a Notice of Intent on December 1, 2006.</p> |



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

|              |          |             |           |            |         |  |
|--------------|----------|-------------|-----------|------------|---------|--|
| <b>DATES</b> | Assigned | 22-Jan-2007 | Screening | 1-Feb-2007 | EPA Due |  |
|              | PCW      | 1-Feb-2007  |           |            |         |  |

|  |                            |
|--|----------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                            |
| Respondent                             | Electra Custom Homes, Inc. |
| Reg. Ent. Ref. No.                     | RN104587464                |
| Facility/Site Region                   | 4-Dallas/Fort Worth        |
| Major/Minor Source                     | Minor                      |

|                                 |                |                   |                    |
|---------------------------------|----------------|-------------------|--------------------|
| <b>CASE INFORMATION</b>         |                |                   |                    |
| Enf./Case ID No.                | 32511          | No. of Violations | 1                  |
| Docket No.                      | 2007-0157-WQ-E | Order Type        | 1660               |
| Media Program(s)                | Water Quality  | Enf. Coordinator  | Ruben Soto         |
| Multi-Media                     |                | 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* **\$1,000**

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

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

**Compliance History** 5% Enhancement *Subtotals 2, 3, & 7* **\$50**

Notes: The Respondent received one NOV with same or similar violations to those cited in this action.

**Culpability** No 0% Enhancement *Subtotal 4* **\$0**

Notes: Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction *Subtotal 5* **\$250**

|               |            |                              |
|---------------|------------|------------------------------|
|               | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary |            |                              |
| Ordinary      | X          |                              |
| N/A           |            | (mark with x)                |

Notes: The Respondent submitted the Notice of Intent on December 1, 2006.

Total EB Amounts \$149 *Subtotal 6* **\$0**  
 Approx. Cost of Compliance \$2,000 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$800**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** *Adjustment* **\$0**

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

Notes: [Redacted]

*Final Penalty Amount* **\$800**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$800**

**DEFERRAL** 20% Reduction *Adjustment* **-\$160**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$640**

Screening Date 1-Feb-2007

Docket No. 2007-0167-WQ-E

PCW

Respondent Electra Custom Homes, Inc.

Policy Revision 2 (September 2002)

Case ID No. 32511

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN104587464

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

### 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   | 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 judgments 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%      |
| Please Enter Yes or No        |  |                   |         |
| 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 NOV with same or similar violations to those cited in this action.

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

Screening Date 1-Feb-2007

Docket No. 2007-0157-WQ-E

PCW

Respondent Electra Custom Homes, Inc.

Policy Revision 2 (September 2002)

Case ID No. 32511

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN104587464

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to obtain authorization to discharge storm water associated with construction activity, as documented during an investigation conducted on November 7, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes                              | Falsification | Harm  |          |       | Percent |
|---|---------------|-------|----------|-------|---------|
|   |               | Major | Moderate | Minor |         |
|   |               | x     |          |       | 10%     |
| 100% of the rule requirement was not met. |               |       |          |       |         |

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 543 Number of violation days

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

Violation Base Penalty \$1,000

One monthly event is recommended from the date of the investigation (November 7, 2006) to the date of compliance (December 1, 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$149

Violation Final Penalty Total \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

## Economic Benefit Worksheet

**Respondent:** Electra Custom Homes, Inc.  
**Case ID No:** 32511  
**Reg. Ent. Reference No:** RN104587464  
**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 | One/Time Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|

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)        | \$2,000 | 6-Jun-2005 | 1-Dec-2006 | 1.5 | \$149 | n/a | \$149 |

Notes for DELAYED costs

The estimated cost of preparing and implementing a storm water pollution prevention plan and submittal of a notice of intent. Date required is the date of notice of violation and the final date is the date of compliance.

### 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]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$149

# Compliance History

Customer/Respondent/Owner-Operator: CN602824245 ELECTRA CUSTOM HOMES, INC. Classification: AVERAGE Rating: 2.50  
Regulated Entity: RN104587464 ELECTRA CUSTOM HOMES Classification: AVERAGE Site Rating: 2.50  
AURORA VISTA

ID Number(s):

Location: 1.5 MILES WEST OF UNITED STATES  
HIGHWAY 287, SOUTH OF STATE  
HIGHWAY 114, AURORA, WISE COUNTY

Rating Date: September 01 06  
Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 01, 2002 to February 01, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Ruben Soto Phone: 512 239-4571

## 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 judgments, 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 11/01/2006 (517887)  
2 01/16/2007 (519001)  
3 06/06/2005 (394551)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 06/06/2005 (394551)  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
Description: Failure to obtain authorization to discharge storm water associated with construction activity.

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

STATE OF NEW YORK

IN SENATE  
January 10, 1917.

REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1916.

ALBANY:

THE UNIVERSITY OF THE STATE OF NEW YORK, 1917.

PRINTED BY THE STATE PRINTING OFFICE.

1917

ALBANY: THE UNIVERSITY OF THE STATE OF NEW YORK, 1917.

PRINTED BY THE STATE PRINTING OFFICE.

ALBANY: THE UNIVERSITY OF THE STATE OF NEW YORK, 1917.

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ELECTRA CUSTOM HOMES, INC.  
RN104587464**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0157-WQ-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Electra Custom Homes, Inc. ("Electra") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Electra appear before the Commission and together stipulate that:

1. Electra owns and operates a construction site for a single family housing development located 1.5 miles west of United States Highway 287 and south of State Highway 114 in Aurora, Wise County, Texas (the "Site").
2. Electra has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Electra agree that the Commission has jurisdiction to enter this Agreed Order, and that Electra is subject to the Commission's jurisdiction.
4. Electra received notice of the violations alleged in Section II ("Allegations") on or about January 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Electra of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Hundred Dollars (\$800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Electra has paid

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The names are: Mr. J. H. Smith, Mr. J. H. Jones, Mr. J. H. Brown, Mr. J. H. White, Mr. J. H. Black, Mr. J. H. Green, Mr. J. H. Gray, Mr. J. H. Blue, Mr. J. H. Red, Mr. J. H. Yellow, Mr. J. H. Purple, Mr. J. H. Pink, Mr. J. H. Orange, Mr. J. H. Silver, Mr. J. H. Gold, Mr. J. H. Bronze, Mr. J. H. Iron, Mr. J. H. Steel, Mr. J. H. Lead, Mr. J. H. Zinc, Mr. J. H. Copper, Mr. J. H. Nickel, Mr. J. H. Tin, Mr. J. H. Aluminum, Mr. J. H. Magnesium, Mr. J. H. Calcium, Mr. J. H. Potassium, Mr. J. H. Sodium, Mr. J. H. Lithium, Mr. J. H. Barium, Mr. J. H. Strontium, Mr. J. H. Rubidium, Mr. J. H. Cesium, Mr. J. H. Francium, Mr. J. H. Radium, Mr. J. H. Actinium, Mr. J. H. Thorium, Mr. J. H. Uranium, Mr. J. H. Plutonium, Mr. J. H. Americium, Mr. J. H. Curium, Mr. J. H. Berkelium, Mr. J. H. Californium, Mr. J. H. Einsteinium, Mr. J. H. Fermium, Mr. J. H. Mendelevium, Mr. J. H. Nobelium, Mr. J. H. Lawrencium, Mr. J. H. Rutherfordium, Mr. J. H. Dubnium, Mr. J. H. Seaborgium, Mr. J. H. Bohrium, Mr. J. H. Hassium, Mr. J. H. Meitnerium, Mr. J. H. Darmstadtium, Mr. J. H. Roentgenium, Mr. J. H. Copernicium, Mr. J. H. Flerovium, Mr. J. H. Tennessium, Mr. J. H. Oganesson.

Six Hundred Forty Dollars (\$640) of the administrative penalty and One Hundred Sixty Dollars (\$160) is deferred contingent upon Electra's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Electra fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Electra to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Electra have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Electra submitted a Notice of Intent on December 1, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Electra has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator at the Site, Electra is alleged to have failed to obtain authorization to discharge storm water associated with construction activity, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during an investigation conducted on November 7, 2006.

## III. DENIALS

Electra generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Electra pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Electra's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Electra Custom Homes, Inc., Docket No. 2007-0157-WQ-E" to:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting process.

In addition, the document highlights the need for a clear and concise chart of accounts. This tool is essential for organizing financial data and providing a comprehensive overview of the company's financial health. It also notes that the accounting system should be designed to be user-friendly and efficient, allowing staff to perform their duties with ease and accuracy.

Furthermore, the document stresses the importance of staying up-to-date with the latest accounting standards and regulations. This is crucial for ensuring compliance and avoiding any potential legal issues. It also suggests that investing in professional training and development for the accounting staff can significantly improve the overall quality and reliability of the financial reporting process.

Finally, the document concludes by reiterating the importance of maintaining a high level of integrity and ethical standards in all accounting activities. It states that the accounting profession has a responsibility to provide accurate and unbiased information to all stakeholders, and that this responsibility should be upheld at all times.

In summary, the document provides a comprehensive overview of the key principles and practices of effective accounting. It covers topics such as record-keeping, chart of accounts, compliance, and ethical standards, and offers practical advice on how to implement these principles in a real-world setting. By following the guidelines outlined in this document, businesses can ensure that their financial reporting is accurate, reliable, and compliant with all relevant regulations.

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. The provisions of this Agreed Order shall apply to and be binding upon Electra. Electra is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Electra in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Electra, or three days after the date on which the Commission mails notice of the Order to Electra, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

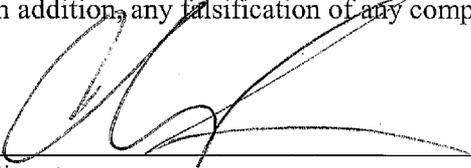
5/24/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

2-22-07  
Date

CHRIS SOMAGE  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Electra Custom Homes, Inc.

VP  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

