

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-2098-WQ-E **TCEQ ID:** RN105113666 **CASE NO.:** 32010  
**RESPONDENT NAME:** USA Five Star Homes, LP

|  |   |  |
|--|---|--|
| <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> Mustang Place, Farm-to-Market Road 548, approximately 0.5 mile north of the intersection of Highway 80, Forney, Kaufman County</p> <p><b>TYPE OF OPERATION:</b> Residential development</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on November 3, 2006 alleging inadequate best management practices to control trash. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</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 Section I, MC 169, (512) 239-1482; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896<br/> <b>Respondent:</b> Mr. James B. Webb, Manager/Partner, USA Five Star Homes, LP, 749 Justin Road, Rockwall, Texas 75087<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 checked="" type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b><br/>                     November 3, 2006</p> <p><b>Date of Investigation Relating to this Case:</b><br/>                     November 14, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 14, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to obtain authorization to discharge storm water associated with construction activities to waters in the state [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].</p> | <p><b>Total Assessed:</b> \$1,000</p> <p><b>Total Deferred:</b> \$200<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> \$800</p> <p><b>Site Compliance History Classification:</b><br/> <input type="checkbox"/> High <input 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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit a Storm Water Pollution Prevention Plan and a Notice of Intent letter to comply with the Construction General Permit requirements;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p> |



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

|       |          |             |           |             |         |  |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 4-Dec-2006  | Screening | 11-Dec-2006 | EPA Due |  |
|       | PCW      | 11-Dec-2006 |           |             |         |  |

|                                 |                         |                    |       |
|---------------------------------|-------------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION |                         |                    |       |
| Respondent                      | USA Five Star Homes, LP |                    |       |
| Reg. Ent. Ref. No.              | RN105113666             |                    |       |
| Facility/Site Region            | 4-Dallas/Fort Worth     | Major/Minor Source | Minor |

|                   |                |                   |                   |          |
|-------------------|----------------|-------------------|-------------------|----------|
| CASE INFORMATION  |                |                   |                   |          |
| Enf./Case ID No.  | 32010          | No. of Violations | 1                 |          |
| Docket No.        | 2006-2098-WQ-E | Order Type        | 1660              |          |
| Media Program(s)  | Water Quality  | Enf. Coordinator  | Brent Hurta       |          |
| Multi-Media       |                | EC's Team         | EnforcementTeam 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   | 0% Enhancement | Subtotals 2, 3, & 7 |

|       |   |  |
|-------|---|--|
| Notes | No enhancement due to Average Performer classification. |  |
|-------|---|--|

|             |    |                |            |     |
|-------------|----|----------------|------------|-----|
| Culpability | No | 0% Enhancement | Subtotal 4 | \$0 |
|-------------|----|----------------|------------|-----|

|       |  |
|-------|--|
| Notes | Respondent does not meet the culpability criteria. |
|-------|--|

|                             |              |            |     |
|-----------------------------|--------------|------------|-----|
| Good Faith Effort to Comply | 0% Reduction | Subtotal 5 | \$0 |
|-----------------------------|--------------|------------|-----|

|               |   |                              |
|---------------|---|------------------------------|
|               | Before NOV  | NOV to EDRP/Settlement Offer |
| Extraordinary |   |                              |
| Ordinary      |   |                              |
| N/A           | X   | (mark with x)                |
| Notes         | The Respondent does not meet the good faith criteria. |                              |

|                            |         |                                   |            |     |
|----------------------------|---------|-----------------------------------|------------|-----|
| Total EB Amounts           | \$82    | 0% Enhancement*                   | Subtotal 6 | \$0 |
| Approx. Cost of Compliance | \$2,500 | *Capped at the Total EB \$ Amount |            |     |

|                      |                |         |
|----------------------|----------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,000 |
|----------------------|----------------|---------|

|   |  |            |     |
|---|--|------------|-----|
| 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                |  |         |
| Final Penalty Amount |  | \$1,000 |

|                            |                        |         |
|----------------------------|------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,000 |
|----------------------------|------------------------|---------|

|   |     |           |            |        |
|---|-----|-----------|------------|--------|
| DEFERRAL  | 20% | Reduction | Adjustment | -\$200 |
| 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 | \$800 |
|-----------------|-------|

Screening Date 11-Dec-2006

Docket No. 2006-2098-WQ-E

PCW

Respondent USA Five Star Homes, LP

Policy Revision 2 (September 2002)

Case ID No. 32010

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105113666

Media [Statute] Water Quality

Enf. Coordinator Brent Hurta

### 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)  | 0                 | 0%      |
|                               | 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 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%      |
| 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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No enhancement due to Average Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 11-Dec-2006

Docket No. 2006-2098-WQ-E

PCW

Respondent USA Five Star Homes, LP

Policy Revision 2 (September 2002)

Case ID No. 32010

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105113666

Media [Statute] Water Quality

Enf. Coordinator Brent Hurta

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 activities to waters in the state, as documented during an investigation conducted on November 14, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               | x     |          |       | 10%     |

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 27

|              |   |
|--------------|---|
| daily        |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$1,000

One monthly event is recommended from the November 14, 2006 investigation date to the December 11, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

## Economic Benefit Worksheet

Respondent: USA Five Star Homes, LP  
 Case ID No: 32010  
 Reg. Ent. Reference No: RN105113666  
 Media: Water Quality  
 Violation No: 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost<br><small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|---|---------------|------------|-----|----------------|---------------|-----------|
|------------------|---|---------------|------------|-----|----------------|---------------|-----------|

### 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             | \$2,500 | 14-Nov-2006 | 11-Jul-2007 | 0.7 | \$82 | n/a | \$82 |
| Other (as needed)        |         |             |             | 0.0 | \$0  | n/a | \$0  |

Notes for DELAYED costs

Estimated cost associated with developing and implementing a Storm Water Pollution Prevention Plan and submitting a Notice of Intent, calculated from the date of the investigation to the estimated 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 \$2,500

TOTAL \$82

# Compliance History

Customer/Respondent/Owner-Operator: CN602984320 USA FIVE STAR HOMES, LP Classification: AVERAGE BY Rating: 3.01  
DEFAULT  
Regulated Entity: RN105113666 USA FIVE STAR HOMES - MUSTANG Classification: Site Rating:  
PLACE

ID Number(s):

Location: on FM 548, 0.5 mile north of the intersection of Hwy 80 in  
Forney

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 08, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2001 to December 08, 2006

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

Name: Brent Hurta Phone: 512-239-6589

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - 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

Chapter 1: Introduction to Mathematics

Section 1.1: The Language of Mathematics

Section 1.2: Sets and Logic

Section 1.3: The Real Number System

Section 1.4: Mathematical Induction

Section 1.5: The Complex Number System

Section 1.6: The Cartesian Plane

Section 1.7: Functions

Section 1.8: Graphs of Functions

Section 1.9: Limits and Continuity

Section 1.10: Derivatives

Section 1.11: Integrals

Section 1.12: Applications of Calculus

Section 1.13: Probability

Section 1.14: Statistics

Section 1.15: Discrete Mathematics

Section 1.16: Linear Algebra

Section 1.17: Differential Equations

Section 1.18: Numerical Analysis

Section 1.19: Optimization

Section 1.20: Mathematical Modeling

Section 1.21: The History of Mathematics

Section 1.22: The Future of Mathematics

Section 1.23: The Philosophy of Mathematics

Section 1.24: The Role of Mathematics in Science

Section 1.25: The Role of Mathematics in Engineering

Section 1.26: The Role of Mathematics in Economics

Section 1.27: The Role of Mathematics in Medicine

Section 1.28: The Role of Mathematics in Law

Section 1.29: The Role of Mathematics in Art

Section 1.30: The Role of Mathematics in Music

Section 1.31: The Role of Mathematics in Sports

Section 1.32: The Role of Mathematics in Games

Section 1.33: The Role of Mathematics in Cryptography

Section 1.34: The Role of Mathematics in Computer Science

Section 1.35: The Role of Mathematics in Biology

Section 1.36: The Role of Mathematics in Chemistry

Section 1.37: The Role of Mathematics in Physics

Section 1.38: The Role of Mathematics in Astronomy

Section 1.39: The Role of Mathematics in Geology

Section 1.40: The Role of Mathematics in Environmental Science

Section 1.41: The Role of Mathematics in Social Science

Section 1.42: The Role of Mathematics in Psychology

Section 1.43: The Role of Mathematics in Education

Section 1.44: The Role of Mathematics in Business

Section 1.45: The Role of Mathematics in Finance

Section 1.46: The Role of Mathematics in Insurance

Section 1.47: The Role of Mathematics in Marketing

Section 1.48: The Role of Mathematics in Management

Section 1.49: The Role of Mathematics in Operations Research

Section 1.50: The Role of Mathematics in Decision Making

Section 1.51: The Role of Mathematics in Quality Control

Section 1.52: The Role of Mathematics in Project Management

Section 1.53: The Role of Mathematics in Risk Management

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
USA FIVE STAR HOMES, LP  
RN105113666

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2006-2098-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 USA Five Star Homes, LP ("USA") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and USA appear before the Commission and together stipulate that:

1. USA operates a residential development site located on Farm-to-Market Road 548, approximately 0.5 mile north of the intersection of Highway 80 in Forney, Kaufman County, Texas (the "Site").
2. USA 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 USA agree that the Commission has jurisdiction to enter this Agreed Order, and that USA is subject to the Commission's jurisdiction.
4. USA received notice of the violations alleged in Section II ("Allegations") on or about December 19, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by USA of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Dollars (\$1,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). USA has paid



Eight Hundred Dollars (\$800) of the administrative penalty and Two Hundred Dollars (\$200) is deferred contingent upon USA'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 USA fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require USA 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 USA have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 USA has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 of the Site, USA is alleged to have failed to obtain authorization to discharge storm water associated with construction activities to waters in the state, 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 14, 2006.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that USA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and USA'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: USA Five Star Homes, LP, Docket No. 2006-2098-WQ-E" to:

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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. It is further ordered that USA shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit a Storm Water Pollution Prevention Plan and a Notice of Intent letter to comply with the Construction General Permit requirements, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c) to:

Texas Commission on Environmental Quality  
Wastewater Permitting Section, MC 148  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and 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."

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:

Manager, Water Section  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951



3. The provisions of this Agreed Order shall apply to and be binding upon USA. USA 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.
4. If USA fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, USA's failure to comply is not a violation of this Agreed Order. USA shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. USA shall notify the Executive Director within seven days after USA becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by USA shall be made in writing to the Executive Director. Extensions are not effective until USA receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against USA 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to USA, or three days after the date on which the Commission mails notice of the Order to USA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making and strategic planning.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

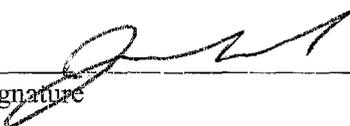
5/21/07  
\_\_\_\_\_  
Date

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

2-15-07  
\_\_\_\_\_  
Date

JAMES B. WEBB  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
USA Five Star Homes, LP

PARTNER  
\_\_\_\_\_  
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.

Handwritten notes at the top of the page, possibly including a title or introductory text.

Handwritten text or a signature on the left side of the page.

Handwritten text or a signature on the right side of the page.

First main paragraph of handwritten text, starting with a bullet point.

Second main paragraph of handwritten text, continuing the notes.

Third main paragraph of handwritten text.

Fourth main paragraph of handwritten text.

Fifth main paragraph of handwritten text.

Sixth main paragraph of handwritten text.

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