

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0356-WQ-E TCEQ ID: RN105006621 CASE NO.: 32932**  
**RESPONDENT NAME: EVERETT CUSTOM HOMES, L.L.C**

<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> East of Farm-to-Market Road 1140 about 0.75 mile southeast from Lawrence Drive, Heath, Rockwall 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 expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired June 23, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  <b>TCEQ Enforcement Coordinator:</b> Ms. Suzanne Walrath, Water Enforcement Section, MC 219, (512) 239-2234  <b>TCEQ Regional Contact:</b> Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901  <b>Respondent:</b> Mr. Matthew Everett, Owner, Everett Custom Homes, L.L.C., 1370 Shores Circle, Rockwall, Texas 75087  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      N/A</p> <p><b>Date of Investigation Relating to this Case:</b>                      June 19, 2006 (investigation)                      February 13, 2007 (record review)</p> <p><b>Date of NOE Relating to this Case:</b>                      February 16, 2007</p> <p><b>Background Facts:</b>                      The EDPRP was filed August 30, 2007. A signed Agreed Order was received April 10, 2008.</p> <p><b>Current Compliance Status:</b>                      Not yet currently in compliance.</p> <p><b>WQ:</b>                      Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4); and 40 C.F.R. § 122.26(c)].</p>	<p><b>Total Assessed:</b> \$1,050</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$1,050</p> <p>The Respondent paid the assessed penalty in full.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. <u>Option 1:</u></p> <p>i. Develop and implement a Storm Water Pollution Prevention Plan ("SWP3") to comply with the requirements of TPDES General Permit No. TXR150000; and</p> <p>ii. Submit an administratively complete Notice of Intent ("NOI") for authorization to discharge storm water under TDPEs General Permit TXR150000; or</p> <p>b. <u>Option 2:</u> Submit a statement that final stabilization has been achieved on all portions of the Site.</p> <p>2. If Option 1 is undertaken, within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	Assigned	26-Feb-2007			
	PCW	26-Jul-2007	Screening	13-Mar-2007	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	Everett Custom Homes, L.L.C.				
Reg. Ent. Ref. No.	RN105006621				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

<b>CASE INFORMATION</b>					
Enf./Case ID No.	32932	No. of Violations	1		
Docket No.	2007-0356-WQ-E	Order Type	1660		
Media Program(s)	Water Quality	Enf. Coordinator	Suzanne Walrath		
Multi-Media		EC's Team	Enforcement Team 3		
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000	

## Penalty Calculation Section

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

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

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$50</b>
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Notes: The Respondent received one NOV with same or similar violations to those cited in this action.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	

	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$71	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,050</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$1,050</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,050</b>
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<b>DEFERRAL</b>		Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement

<b>PAYABLE PENALTY</b>	<b>\$1,050</b>
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Screening Date 13-Mar-2007

Docket No. 2007-0356-WQ-E

PCW

Respondent Everett Custom Homes, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 32932

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105006621

Media [Statute] Water Quality

Enf. Coordinator Suzanne Walrath

### 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 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) 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 13-Mar-2007

Docket No. 2007-0356-WQ-E

PCW

Respondent Everett Custom Homes, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 32932

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105006621

Media [Statute] Water Quality

Enf. Coordinator Suzanne Walrath

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, as documented by an investigation conducted on June 19, 2006, and by a file review conducted on February 13, 2007

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 28

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 file review (February 13, 2007) to case screening date (March 13, 2007),..

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$71

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

## Economic Benefit Worksheet

**Respondent:** Everett Custom Homes, L.L.C.  
**Case ID No.:** 32932  
**Reg. Ent. Reference No.:** RN105006621  
**Media:** Water Quality  
**Violation No.:** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	13-Feb-2007	31-Oct-2007	0.7	\$71	n/a	\$71

**Notes for DELAYED costs**  
 The estimated cost of preparing and implementing a storm water pollution prevention plan and submittal of a completed notice of intent. Date required is the date of record review and the final date is the projected 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**  
 (This section is currently blank.)

**Approx. Cost of Compliance** **\$2,000**
**TOTAL** **\$71**

## Compliance History

Customer/Respondent/Owner-Operator: CN603069410 EVERETT CUSTOM HOMES, L.L.C. Classification: AVERAGE Rating: 2.50  
Regulated Entity: RN105006621 EVERETT CUSTOM HOMES WYNDEMERE Classification: AVERAGE Site Rating: 2.50

ID Number(s):

Location: EAST OF FARM TO MARKET ROAD 1140,  
0.75 MILES SOUTHEAST FROM LAWRENCE DRIVE,  
HEATH, ROCKWALL COUNTY

Rating Date: September 01 06  
Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: March 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 08, 2002 to March 08, 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?	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 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 08/16/2006 (489634)  
2 02/20/2007 (540397)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 08/17/2006 (489634)  
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EVERETT CUSTOM HOMES,  
L.L.C.,  
RN105006621

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0356-WQ-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Everett Custom Homes, L.L.C. ("Everett") under the authority of TEX. WATER CODE chs. 7 and ch. 26, and 40 C.F.R. pt. 122. The Executive Director of the TCEQ, represented by the Litigation Division, and Everett appear before the Commission and together stipulate that:

1. Everett owns and operates a construction site at a single family housing development located east of Farm-to-Market Road 1140 about 0.75 mile southeast from Lawrence Drive in Heath, Rockwall County, Texas (the "Site").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, 40 C.F.R. pt. 122, and TCEQ rules.
3. The Commission and Everett agree that the Commission has jurisdiction to enter this Agreed Order, and that Everett is subject to the Commission's jurisdiction.
4. Everett received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2006 and February 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Everett of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Everett has paid one thousand fifty dollars (\$1,050.00) of the administrative 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 Everett 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 Everett 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**

Everett is alleged to have violated 30 TEX. ADMIN. CODE § 281.25(a)(4); 40 C.F.R. § 122.26(c) by failing to obtain authorization to discharge storm water associated with construction activities as documented on June 19, 2006 and February 13, 2007.

## **III. DENIALS**

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

## **IV. ORDER**

1. It is, therefore, ordered by the TCEQ that Everett pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Everett'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Everett Custom Homes, L.L.C., Docket No. 2007-0356-WQ-E" to:

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

2. Everett shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Everett shall undertake either of the following options:
    - i. Option 1:
      - A. Develop and implement a Storm Water Pollution Prevention Plan ("SWP3") to comply with the requirements of TPDES General Permit No. TXR150000; and
      - B. Submit an administratively complete Notice of Intent ("NOI") for authorization to discharge storm water under TDPEs General Permit TXR150000, to:

Storm Water and Pretreatment Team, MC 148  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087
    - ii. Option 2: Submit a statement that final stabilization has been achieved on all portions of the Site that is Everett's responsibility. Provide documentation that includes photographs, receipts, and/or other records to demonstrate that final stabilization requirements have been met and include a written certification containing language as described below in 2.c.
  - b. If Option 1 is undertaken, within 45 days after the effective date of this Agreed Order, Everett shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a.i.A. and 2.a.i.B.

- c. The certification required by either Ordering Provision No. 2.a.i. or Ordering Provision No. 2.a.ii. shall 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:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Everett. Everett 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 Everett 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, Everett's failure to comply is not a violation of this Agreed Order. Everett shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Everett shall notify the Executive Director within seven days after Everett 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 Everett

shall be made in writing to the Executive Director. Extensions are not effective until Everett 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 Everett 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Everett, or three days after the date on which the Commission mails notice of the Order to Everett, 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

6/25/08

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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

4/10/2008  
\_\_\_\_\_  
Date

MATT EVERETT  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Everett Custom Homes, L.L.C.

PRESIDENT  
\_\_\_\_\_  
Title