

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-0511-WQ-E TCEQ ID: RN104921804 CASE NO.: 29331  
RESPONDENT NAME: WESTLAKE JV, INC. DBA RENAISSANCE BUILDERS**

<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> 4900, 4901, and 4924 Rockrimmon Court in Colleyville, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Custom home construction sites.</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There has been one complaint filed, but the complainant has not indicated that he wishes to protest this action or speak at agenda.</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 23, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Mary Hammer, Litigation Division, MC 175, (512) 239-2496  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, MC 219, (512) 239-5806  TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5701  Respondent: Mr. Scott Ford, President, Westlake JV, Inc. dba Renaissance Builders, P.O. Box 92519, Southlake, TX 76091  Respondent's Attorney: 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 checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>                      February 26, 2006</p> <p><b>Date of Investigation Relating to this Case:</b>                      February 27, 2006</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      April 26, 2006 (NOE); July 13, 2006 (NOE)</p> <p><b>Background Facts:</b> An EDPRP was filed on October 30, 2006. After successful settlement negotiations, a signed Agreed Order was received on February 21, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>WQ:</b></p> <p>Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].</p>	<p><b>Total Assessed:</b> \$5,000</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Paid to General Revenue:</b> \$5,000                      The Respondent has paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification:</b>                      N/A</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg <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>Technical Requirements:</b></p> <p>Within 30 days, the Respondent shall develop and implement a Storm Water Pollution Prevention Plan and submit a Notice of Intent letter to comply with the Construction General Permit No. TXR150000 requirements for the Sites.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned	29-Jun-2006	Screening	29-Jun-2006	EPA Due	
	PCW	22-Nov-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Westlake JV, Inc. dba Renaissance Builders
Reg. Ent. Ref. No.	RN104921804
Facility/Site Region	4-Dallas/Fort Worth <input type="button" value="&lt;"/>
Major/Minor Source	Minor Source <input type="button" value="&lt;"/>

<b>CASE INFORMATION</b>			
Enf./Case ID No.	29331	No. of Violations	1
Docket No.	2006-0511-WQ-E	Order Type	1660 <input type="button" value="&lt;"/>
Media Program(s)	Water Quality <input type="button" value="&lt;"/>	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4 <input type="button" value="&lt;"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History** **Subtotals 2, 3, & 7**

Notes

**Culpability** **Subtotal 4**

Notes

**Good Faith Effort to Comply** **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

**Economic Benefit** **Subtotal 6**

Total EB Amounts	\$43	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$1,000	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

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

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 29-Jun-2006 **Docket No.** 2006-0511-WQ-E **PCW**  
**Respondent** Westlake JV, Inc. dba Renaissance Builders *Policy Revision 2 (September 2002)*  
**Case ID No.** 29331 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104921804  
**Media [Statute]** Water Quality  
**Enf. Coordinator** J. Craig Fleming

**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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

No change due to average performer classification.

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

<b>Screening Date</b>	29-Jun-2006	<b>Docket No.</b>	2006-0511-WQ-E	<b>PCW</b>
<b>Respondent</b>	Westlake JV, Inc. dba Renaissance Builders	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	29331	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN104921804			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 281.25(a)(4)			
<b>Secondary Rule Cite(s)</b>	40 Code of Federal Regulations § 122.26(c)			
<b>Violation Description</b>	Failure to obtain authorization to discharge storm water associated with construction activities. Specifically, no storm water discharge permits were obtained for 4900, 4901, and 4924 Rockrimmon Court in Colleyville, as documented during the investigation conducted on February 27, 2006.			
<b>Base Penalty</b>				\$10,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>Harm</b>					
	<b>Release:</b>	Major	Moderate	Minor	
OR	Actual				<b>Percent</b> <input style="width: 60px;" type="text"/>
	Potential				
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		X			<b>Percent</b> <input style="width: 60px;" type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
<b>Adjustment</b>				-\$9,000	

<b>Base Penalty Subtotal</b>	\$1,000
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<b>Violation Events</b>				
<b>Number of Violation Events</b>		5		
<i>mark only one use a small x</i>	daily			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
		<b>Violation Base Penalty</b>	\$5,000	
Five monthly events are recommended based on the investigation date of February 27, 2006, to the screening date of June 29, 2006.				

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input style="width: 60px;" type="text" value="\$43"/>	<b>Violation Final Penalty Total</b> <input style="width: 60px;" type="text" value="\$5,000"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 60px;" type="text" value="\$5,000"/>	

### Economic Benefit Worksheet

Respondent Westlake JV, Inc. dba Renaissance Builders

Case ID No. 29331

Reg. Ent. Reference No. RN104921804

Media [Statute] Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$1,000	27-Feb-2006	05-Jan-2007	0.9	\$43	n/a	\$43
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost associated with preparing, submitting, and obtaining an appropriate permit and developing a storm water pollution plan. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$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: NA

Approx. Cost of Compliance \$1,000 TOTAL \$43

# Compliance History

Customer/Respondent/Owner-Operator: CN602545345 Westlake JV, Inc. dba Renaissance Builders Classification: AVERAGE Rating: 3.01

Regulated Entity: RN104921804 RENAISSANCE BUILDERS - ROCKRIMMON Classification: Site Rating:

ID Number(s):

Location: 4900, 4901 & 4924 ROCKRIMMON CT COLLEYVILLE 76034

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: July 06, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 06, 2001 to July 06, 2006

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

Name: J. Craig Fleming Phone: 239-5806

## 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 judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 04/25/2006 (459283)  
N/A  
2 06/28/2006 (484673)
  - 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WESTLAKE JV, INC. DBA  
RENAISSANCE BUILDERS,  
RN104921804

§  
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§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-0511-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 Westlake JV, Inc. dba Renaissance Builders ("Renaissance") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Renaissance, appear before the Commission and together stipulate that:

1. Renaissance owns and operates custom home construction sites at 4900, 4901 and 4924 Rockrimmon Court in Colleyville, Tarrant County, Texas (the "Sites").
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 and TCEQ rules.
3. The Commission and Renaissance agree that the Commission has jurisdiction to enter this Agreed Order, and that Renaissance is subject to the Commission's jurisdiction.
4. Renaissance received notice of the violations alleged in Section II ("Allegations") on or about July 4, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Renaissance of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of five thousand dollars (\$5,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Renaissance has paid five thousand dollars (\$5,000.00) 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 Renaissance 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 Renaissance 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 the builder of the Sites, Renaissance is alleged to have failed to obtain authorization to discharge storm water associated with construction activities, 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 February 27, 2006. Specifically, the respondent failed to develop and implement a stormwater pollution prevention plan and obtain a stormwater discharge permit for the Sites.

## **III. DENIALS**

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

## **IV. ORDER**

1. It is, therefore, ordered by the TCEQ that Renaissance pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Renaissance'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: Westlake JV, Inc. dba Renaissance Builders, Docket No. 2006-0511-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. Renaissance shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Renaissance shall develop and implement a Storm Water Pollution Prevention Plan and submit a Notice of Intent letter to comply with the Construction General Permit (No. TXR150000) requirements for the Sites, 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 the Agreed Order, Renaissance shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision no. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 149  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Sid Slocum, Water Section Manager  
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 Renaissance. Renaissance is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Sites referenced in this Agreed Order.
4. If Renaissance 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, Renaissance's failure to comply is not a violation of this Agreed Order. Renaissance shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Renaissance shall notify the Executive Director within seven days after Renaissance 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 Renaissance shall be made in writing to the Executive Director. Extensions are not effective until Renaissance 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 Renaissance 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 Renaissance, or three days after the date on which the Commission mails notice of the Order to Renaissance, 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

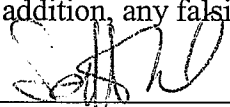
4/30/07  
Date

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 Westlake JV, Inc.'s compliance history;
- Greater scrutiny of any permit applications submitted by Westlake JV, Inc.;
- 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 Westlake JV, Inc.;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Westlake JV, Inc.; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

2-1-08  
Date

SCOTT FORD  
Name (Printed or typed)

POEJ  
Title

Authorized representative of

Westlake JV, Inc. dba Renaissance Builders