

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0392-MWD-E **TCEQ ID:** RN101243210 **CASE NO.:** 35517

RESPONDENT NAME: Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: White Oak Manor Mobile Home Park, located approximately 500 feet east of Windfern Road on the south bank of White Oak Bayou and one mile northeast of United States Highway 290 and approximately 14 miles northeast of the City of Houston central business district, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondents: Mr. Hugo Noort, Asst. Secretary, Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd., 9225 Katy Freeway, Suite 103, Houston, Texas 77024 Mr. Thomas Bousquet, Registered Agent, Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd., 9225 Katy Freeway, Suite 103, Houston, Texas 77024 Respondents' Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2008</p> <p>Date of NOE Relating to this Case: February 20, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondents did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11051001 by March 1, 2007, and are continuing to discharge wastewater from the Facility without authorization [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$15,080</p> <p>Total Deferred: \$3,016 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$12,064</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on June 27, 2007, the Respondents submitted an application for authorization to discharge wastewater under a TPDES permit.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondents to:</p> <p>a) Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits and conditions of expired TPDES Permit No. 11051001;</p> <p>b) Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit, application within 30 days after the date of such requests or by any other deadline specified in writing; and</p> <p>c) Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0011051001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	25-Feb-2008	Screening	10-Mar-2008	EPA Due	
	PCW	10-Mar-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.
Reg. Ent. Ref. No.	RN101243210
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35517	No. of Violations	1
Docket No.	2008-0392-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lauren Smitherman
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	\$13,080
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	16% Enhancement	Subtotals 2, 3, & 7	\$2,080
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Notes The penalty is enhanced due to eight NOVs with unrelated violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondents do not meet the good faith criteria.

Total EB Amounts	\$313	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$5,000	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,080
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$15,080
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,080
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DEFERRAL	20% Reduction	Adjustment	-\$3,016
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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	\$12,064
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Screening Date 10-Mar-2008

Docket No. 2008-0392-MWD-E

PCW

Respondent Fernco Development, Ltd., Lenco Development, Ltd., and

Policy Revision 2 (September 2002)

Case ID No. 35517

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101243210

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

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	8	16%
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 submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 16%

>> **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 penalty is enhanced due to eight NOVs with unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 16%

Screening Date 10-Mar-2008	Docket No. 2008-0392-MWD-E	PCW		
Respondent Fernco Development, Ltd., Lenco Development, Ltd., and Norco I	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35517	<i>PCW Revision January 29, 2008</i>			
Reg. Ent. Reference No. RN101243210				
Media [Statute] Water Quality				
Enf. Coordinator Lauren Smitherman				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)			
Violation Description	Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondents did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11051001 by March 1, 2007, and are continuing to discharge wastewater from the Facility without authorization.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
Matrix Notes	100% of the permit requirement was not met.			
		Adjustment	<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>		
Violation Events				
Number of Violation Events		<input type="text" value="13"/>	Number of violation days	
		<input type="text" value="375"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	x		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		Violation Base Penalty	<input type="text" value="\$13,000"/>	
Thirteen monthly events are recommended from the date the TPDES permit expired (March 1, 2007) to the screening date (March 10, 2008).				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$313"/>	Violation Final Penalty Total	
			<input type="text" value="\$15,080"/>	
			This violation Final Assessed Penalty (adjusted for limits)	
			<input type="text" value="\$15,080"/>	

Economic Benefit Worksheet

Respondent Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.
Case ID No. 35517
Reg. Ent. Reference No. RN101243210
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,000	1-Mar-2007	31-May-2008	1.3	\$313	n/a	\$313
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a new permit application to obtain authorization to discharge wastewater. Date required is the date the previous permit expired. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$5,000

TOTAL

\$313

Compliance History

Customer/Respondent/Owner-Operator:	CN601581721 Norco Development, Ltd.	Classification: AVERAGE	Rating: 0.53
Regulated Entity:	RN101243210 WHITE OAK MANOR MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 0.53
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY UTILITIES WASTEWATER WASTEWATER WASTEWATER WATER LICENSING	REGISTRATION REGISTRATION EPA ID PERMIT PERMIT LICENSE	1010322 12987 TPDES0075841 TX0075841 WQ0014825001 1010322
Location:	APPRX 500 FT E OF WINDFERN RD ON THE S BANK OF WHITE OAK BAYOU AND 1 M NE OF US HWY 290 AND APPRX 14 M NE OF THE CITY OF HOUSTON CENTRAL BUSINESS DISTRICT, HARRIS CO, TX	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 21, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 21, 2003 to March 21, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Lauren Smitherman</u>	Phone:	<u>512-239-5223</u>

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 04/23/2003 (202014)
 - 2 07/02/2003 (313934)
 - 3 07/17/2003 (313937)
 - 4 08/11/2003 (140813)
 - 5 09/02/2003 (313939)
 - 6 09/19/2003 (313941)
 - 7 10/06/2003 (250175)
 - 8 10/22/2003 (313943)
 - 9 11/20/2003 (313944)
 - 10 12/17/2003 (313945)
 - 11 01/22/2004 (313946)
 - 12 02/20/2004 (313925)
 - 13 03/17/2004 (313930)
 - 14 04/19/2004 (313931)
 - 15 05/14/2004 (272464)

16	05/21/2004	(359724)
17	06/18/2004	(313935)
18	07/21/2004	(359725)
19	09/01/2004	(359726)
20	09/21/2004	(359727)
21	10/26/2004	(359728)
22	11/29/2004	(386148)
23	12/20/2004	(386149)
24	01/21/2005	(386150)
25	02/18/2005	(424049)
26	03/23/2005	(386147)
27	04/22/2005	(424050)
28	05/23/2005	(424051)
29	06/21/2005	(424052)
30	07/20/2005	(444837)
31	08/19/2005	(444838)
32	09/20/2005	(444839)
33	10/21/2005	(475712)
34	11/21/2005	(475713)
35	12/22/2005	(475714)
36	01/12/2006	(450255)
37	01/23/2006	(475715)
38	02/10/2006	(454660)
39	02/27/2006	(475710)
40	03/24/2006	(475711)
41	04/24/2006	(503056)
42	04/24/2006	(454951)
43	05/23/2006	(503057)
44	06/26/2006	(503058)
45	07/05/2006	(466650)
46	07/14/2006	(486853)
47	07/21/2006	(525396)
48	07/24/2006	(488076)
49	09/26/2006	(525397)
50	09/26/2006	(525398)
51	10/18/2006	(550102)
52	11/22/2006	(550103)
53	12/21/2006	(550104)
54	01/18/2007	(623535)
55	02/20/2007	(623524)
56	03/26/2007	(623525)
57	04/20/2007	(623526)
58	05/24/2007	(623527)
59	06/20/2007	(623528)
60	07/17/2007	(623529)
61	08/21/2007	(623530)
62	09/20/2007	(623531)
63	10/24/2007	(623532)
64	11/26/2007	(623533)
65	12/19/2007	(623534)
66	02/20/2008	(617466)
67	03/11/2008	(637942)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 03/31/2003 (202014)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2003 (313934)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date 08/05/2003 (140813)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to prevent the unauthorized discharge of untreated or partially treated wastewater.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain and operate the staff gauge.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit limits for daily average flow.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to operate and maintain the back-flow preventive device to the public water line into the wastewater treatment plant.
Date 10/06/2003 (250175)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to provide an intruder-resistant fence in order to protect the well site # 1. The fence must be at least six feet high and constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entities by not
a. cutting the grass and removing debris from well site # 2
b. straightening or repairing the barb wire on fence surrounding well site # 2.
Date 03/31/2004 (313931)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 01/12/2006 (450255)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entities by not
a. cutting the grass and removing debris from well site # 2
b. straightening or repairing the barb wire on fence surrounding well site # 2.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
Description: a well capacity of 0.6 gallons per minute per connection.
a well capacity of 0.6 gallons per minute per connection.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entities by not repairing or replacing the damage pressure tank at well site #3.
Date 04/24/2006 (454951)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to calibrate the flow meter annually.

Date 08/31/2006 (525398)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

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

Compliance History

Customer/Respondent/Owner-Operator: CN601581697 Lenco Development, Ltd. Classification: AVERAGE Rating: 0.53
Regulated Entity: RN101243210 WHITE OAK MANOR MOBILE HOME PARK Classification: AVERAGE Site Rating: 0.53
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010322
UTILITIES REGISTRATION 12987
WASTEWATER EPA ID TPDES0075841
WASTEWATER PERMIT TX0075841
WASTEWATER PERMIT WQ0014825001
WATER LICENSING LICENSE 1010322
Location: APPRX 500 FT E OF WINDFERN RD ON THE S BANK OF Rating Date: September 01 07
WHITE OAK BAYOU AND 1 M NE OF US HWY 290 AND Repeat Violator: NO
APPRX 14 M NE OF THE CITY OF HOUSTON CENTRAL
BUSINESS DISTRICT, HARRIS CO, TX
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 21, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 21, 2003 to March 21, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lauren Smitherman Phone: 512-239-5223

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.
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- C. Chronic excessive emissions events.
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- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
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 - 8 10/22/2003 (313943)
 - 9 11/20/2003 (313944)
 - 10 12/17/2003 (313945)
 - 11 01/22/2004 (313946)
 - 12 02/20/2004 (313925)
 - 13 03/17/2004 (313930)
 - 14 04/19/2004 (313931)
 - 15 05/14/2004 (272464)
 - 16 05/21/2004 (359724)
 - 17 06/18/2004 (313935)

18 07/21/2004 (359725)
 19 09/01/2004 (359726)
 20 09/21/2004 (359727)
 21 10/26/2004 (359728)
 22 11/29/2004 (386148)
 23 12/20/2004 (386149)
 24 01/21/2005 (386150)
 25 02/18/2005 (424049)
 26 03/23/2005 (386147)
 27 04/22/2005 (424050)
 28 05/23/2005 (424051)
 29 06/21/2005 (424052)
 30 07/20/2005 (444837)
 31 08/19/2005 (444838)
 32 09/20/2005 (444839)
 33 10/21/2005 (475712)
 34 11/21/2005 (475713)
 35 12/22/2005 (475714)
 36 01/12/2006 (450255)
 37 01/23/2006 (475715)
 38 02/10/2006 (454660)
 39 02/27/2006 (475710)
 40 03/24/2006 (475711)
 41 04/24/2006 (503056)
 42 04/24/2006 (454951)
 43 05/23/2006 (503057)
 44 06/26/2006 (503058)
 45 07/05/2006 (466650)
 46 07/14/2006 (486853)
 47 07/21/2006 (525396)
 48 07/24/2006 (488076)
 49 09/26/2006 (525397)
 50 09/26/2006 (525398)
 51 10/18/2006 (550102)
 52 11/22/2006 (550103)
 53 12/21/2006 (550104)
 54 01/18/2007 (623535)
 55 02/20/2007 (623524)
 56 03/26/2007 (623525)
 57 04/20/2007 (623526)
 58 05/24/2007 (623527)
 59 06/20/2007 (623528)
 60 07/17/2007 (623529)
 61 08/21/2007 (623530)
 62 09/20/2007 (623531)
 63 10/24/2007 (623532)
 64 11/26/2007 (623533)
 65 12/19/2007 (623534)
 66 02/20/2008 (617466)
 67 03/11/2008 (637942)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 03/31/2003 (202014)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2003 (313934)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/05/2003 (140813)

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)		
	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to prevent the unauthorized discharge of untreated or partially treated wastewater.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain and operate the staff gauge.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permit limits for daily average flow.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8)		
Description:	Failure to operate and maintain the back-flow preventive device to the public water line into the wastewater treatment plant.		
Date	10/06/2003	(250175)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to provide an intruder-resistant fence in order to protect the well site # 1. The fence must be at least six feet high and constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		
Description:	Failure to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entities by not		
	a. cutting the grass and removing debris from well site # 2		
	b. straightening or repairing the barb wire on fence surrounding well site # 2.		
Date	03/31/2004	(313931)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/12/2006	(450255)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entities by not		
	a. cutting the grass and removing debris from well site # 2		
	b. straightening or repairing the barb wire on fence surrounding well site # 2.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)		
Description:	a well capacity of 0.6 gallons per minute per connection. a well capacity of 0.6 gallons per minute per connection.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entities by not repairing or replacing the damage pressure tank at well site #3.		
Date	04/24/2006	(454951)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to calibrate the flow meter annually.

Date 08/31/2006 (525398)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(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

Compliance History

Customer/Respondent/Owner-Operator:	CN601581655	Fernco Development, Ltd.	Classification: AVERAGE	Rating: 0.53
Regulated Entity:	RN101243210	WHITE OAK MANOR MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 0.53
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY UTILITIES	REGISTRATION		1010322
	WASTEWATER	REGISTRATION		12987
	WASTEWATER	EPA ID		TPDES0075841
	WASTEWATER	PERMIT		TX0075841
	WASTEWATER	PERMIT		WQ0014825001
	WATER LICENSING	LICENSE		1010322
Location:	APPRX 500 FT E OF WINDFERN RD ON THE S BANK OF WHITE OAK BAYOU AND 1 M NE OF US HWY 290 AND APPRX 14 M NE OF THE CITY OF HOUSTON CENTRAL BUSINESS DISTRICT, HARRIS CO, TX		Rating Date: September 01/07 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 03, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 03, 2003 to March 03, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lauren Smitherman	Phone:	512-239-5223	

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	03/19/2003	(313927)
2	04/23/2003	(202014)
3	07/02/2003	(313934)
4	07/17/2003	(313937)
5	08/11/2003	(140813)
6	09/02/2003	(313939)
7	09/19/2003	(313941)
8	10/06/2003	(250175)
9	10/22/2003	(313943)
10	11/20/2003	(313944)
11	12/17/2003	(313945)
12	01/22/2004	(313946)
13	02/20/2004	(313925)
14	03/17/2004	(313930)

15 04/19/2004 (313931)
 16 05/14/2004 (272464)
 17 05/21/2004 (359724)
 18 06/18/2004 (313935)
 19 07/21/2004 (359725)
 20 09/01/2004 (359726)
 21 09/21/2004 (359727)
 22 10/26/2004 (359728)
 23 11/29/2004 (386148)
 24 12/20/2004 (386149)
 25 01/21/2005 (386150)
 26 02/18/2005 (424049)
 27 03/23/2005 (386147)
 28 04/22/2005 (424050)
 29 05/23/2005 (424051)
 30 06/21/2005 (424052)
 31 07/20/2005 (444837)
 32 08/19/2005 (444838)
 33 09/20/2005 (444839)
 34 10/21/2005 (475712)
 35 11/21/2005 (475713)
 36 12/22/2005 (475714)
 37 01/12/2006 (450255)
 38 01/23/2006 (475715)
 39 02/10/2006 (454660)
 40 02/27/2006 (475710)
 41 03/24/2006 (475711)
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 66 12/19/2007 (623534)
 67 02/20/2008 (617466)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	03/31/2003	(202014)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2003	(313934)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/05/2003 (140813)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to prevent the unauthorized discharge of untreated or partially treated wastewater.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain and operate the staff gauge.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the permit limits for daily average flow.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to operate and maintain the back-flow preventive device to the public water line into the wastewater treatment plant.

Date 10/06/2003 (250175)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence in order to protect the well site # 1. The fence must be at least six feet high and constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entities by not

- a. cutting the grass and removing debris from well site # 2
- b. straightening or repairing the barb wire on fence surrounding well site # 2.

Date 03/31/2004 (313931)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 01/12/2006 (450255)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entities by not

- a. cutting the grass and removing debris from well site # 2
- b. straightening or repairing the barb wire on fence surrounding well site # 2.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)

Description: a well capacity of 0.6 gallons per minute per connection.
a well capacity of 0.6 gallons per minute per connection.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entities by not repairing or replacing the damage pressure tank at well site #3.

Date 04/24/2006 (454951)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to calibrate the flow meter annually.

Date 08/31/2006 (525398)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

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
FERNCO DEVELOPMENT, LTD.,
LENCO DEVELOPMENT, LTD., AND
NORCO DEVELOPMENT, LTD.
RN101243210**

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

AGREED ORDER DOCKET NO. 2008-0392-MWD-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 Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd. ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate a domestic wastewater treatment facility located approximately 500 feet east of Windfern Road on the south bank of White Oak Bayou and one mile northeast of United States Highway 290 and approximately 14 miles northeast of the City of Houston central business district in Harris County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about February 25, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifteen Thousand Eighty Dollars (\$15,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Twelve Thousand Sixty-Four Dollars (\$12,064) of the administrative penalty and Three Thousand Sixteen Dollars (\$3,016) is deferred contingent upon the Respondents' 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 the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents 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 the Respondents 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 on June 27, 2007, the Respondents submitted an application for authorization to discharge wastewater under a Texas Pollutant Discharge Elimination System ("TPDES") permit.
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 the Respondents have 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 owners and operators of the Facility, the Respondents are alleged to have failed to maintain authorization for the discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), as documented during an investigation conducted on February 6, 2008. Specifically, the Respondents did not renew TPDES Permit No. 11051001 by March 1, 2007, and are continuing to discharge wastewater from the Facility without authorization.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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: Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd., Docket No. 2008-0392-MWD-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. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits and conditions of expired TPDES Permit No. 11051001;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and
 - c. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondents fail 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, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.
DOCKET NO. 2008-0392-MWD-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

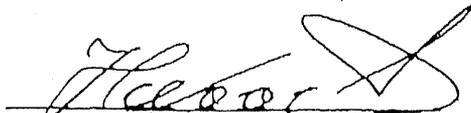
7/18/2008
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

APRIL 15/08
Date

HUGO NOORT

Name (Printed or typed)
Authorized Representative of
Fernco Development, Ltd.

PROS.

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.

Femco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.
DOCKET NO. 2008-0392-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullin

For the Executive Director

7/18/2008

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Hugo Noort

Signature

APRIL 15/08

Date

HUGO NOORT

Name (Printed or typed)
Authorized Representative of
Lenco Development, Ltd.

ASST. SEC.

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.

Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.
DOCKET NO. 2008-0392-MWD-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/18/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

[Signature]
Signature

APRIL 15/08
Date

MARCO NOOAT
Name (Printed or typed)
Authorized Representative of
Norco Development, Ltd.

ASST. SEC.
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.

