

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0405-MWD-E **TCEQ ID:** RN103887923 **CASE NO.:** 33021

**RESPONDENT NAME:** Harris County Municipal Utility District No. 360

<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> Harris County MUD 360 WWTP, located approximately 3,500 feet north of the intersection of Kluge Road and Huffmeister Road, 1,100 feet northwest of Kluge Road and approximately 4.0 miles north of the intersection of U.S. Highway 290 and Huffmeister Road, Harris County</p> <p><b>TYPE OF OPERATION:</b> Domestic wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. John Sherrington, Board President, Harris County Municipal Utility District No. 360, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056  <b>Respondent's Attorney:</b> Mr. Daniel Ringold, Schwartz, Page, &amp; Harding, L.L.P., 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 28, 2007</p> <p><b>Date of NOE Relating to this Case:</b> March 16, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13753001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$3,900</p> <p><b>Total Deferred:</b> \$780  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,120</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has completed the following corrective actions:</p> <p>a. In April 2006, the Return Activated Sludge (RAS) lines were jetted to remove accumulated debris and the lift pump problem was corrected by adjusting settings to prevent long run times that cut down on the detention time in the clarifier thereby temporarily increasing Ammonia Nitrogen levels;</p> <p>b. On May 31, 2006, came into compliance with permitted effluent limits for Ammonia Nitrogen;</p> <p>c. In June 2006, changed the skimmer on the clarifier and replaced the upper and lower squeegees on each rake arm with new ones thereby more effectively handling the Total Suspended Solid levels;</p> <p>d. In September, October, and November 2006, the clarifier was dewatered so that debris could be removed to ensure proper movement of the sludge blanket and a general cleaning of the plant could take place, also the lift stations were serviced by an electrician to eliminate lift station control malfunctions, also the plant is being checked twice daily 7 days a week by operational staff and management staff twice a week or more if necessary while adjustments are being made; and</p> <p>e. On January 31, 2007, came into compliance with permitted effluent limits for Total Suspended Solids.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	19-Mar-2007	<b>Screening</b>	20-Mar-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Mar-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Harris County Municipal Utility District No. 360
<b>Reg. Ent. Ref. No.</b>	RN103887923
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33021	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-0405-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Libby Hogue
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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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>	55% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,650
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**Notes** A 55% enhancement is recommended for having 11 NOVs for 11 months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$750
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent came into compliance with their permitted effluent limits for Ammonia Nitrogen on May 31, 2006. and came into compliance with their Total Suspended Solids permitted effluent levels on January 31, 2007.

<b>Total EB Amounts</b>	\$57	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$1,500	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,900
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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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>	\$3,900
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,900
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$780
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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.

<b>PAYABLE PENALTY</b>	\$3,120
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Screening Date 20-Mar-2007

Docket No. 2007-0405-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 360

Policy Revision 2 (September 2002)

Case ID No. 33021

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN103887923

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

### 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)	11	55%
	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%
<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) 55%

>> 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

A 55% enhancement is recommended for having 11 NOVs for 11 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 20-Mar-2007

Docket No. 2007-0405-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 360

Policy Revision 2 (September 2002)

Case ID No. 33021

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN103887923

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13753001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average Flow, Total Suspended Solids, and Carbonaceous Biochemical Oxygen Demand values were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

245 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 380  
**Case ID No.** 33021  
**Reg. Ent. Reference No.** RN103887923  
**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
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Apr-2006	31-Jan-2007	0.8	\$57	n/a	\$57

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date Respondent came into compliance

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$57

ATTACHMENT

**Effluent Violation Table**  
 Harris County Municipal Utility District (MUD) No. 360  
 TPDES Permit No. 13753001 (Outfall 001A)

Permitted Effluent Limits	Monitoring Period End Date				
	04/30/06	07/31/06	09/30/06	11/30/06	12/31/06
TSS Daily Avg. 15 mg/L (concentration)	16	39	16	15.250	17.375
TSS Daily Max (Single Grab) 60 mg/L	C	104	C	C	C
TSS Daily Max 50 lbs./day (loading)	C	123.816	C	C	C
NH <sub>3</sub> -N Daily Avg. 2 mg/L	3.225	C	C	C	C

NH <sub>3</sub> -N - Ammonia Nitrogen	mg/L = milligrams per liter
TSS - Total Suspended Solids	Avg. = average
lbs/day - pounds per day	C = Compliant



# Compliance History

Customer/Respondent/Owner-Operator:	CN600736698	Harris County Municipal Utility District 360	Classification: AVERAGE	Rating: 0.44
Regulated Entity:	RN103887923	HARRIS COUNTY MUD 360 WWTP	Classification: AVERAGE	Site Rating: 0.44
ID Number(s):	WASTEWATER	PERMIT		WQ0013753001
	WASTEWATER	PERMIT		TPDES0113107
	WASTEWATER	PERMIT		WQ0013753001
	WASTEWATER	PERMIT		TPDES0113107
	WASTEWATER	PERMIT		TX0113107
	WASTEWATER LICENSING	LICENSE		WQ0013753001

Location: LOCATED APPROX 3500 FT N OF THE INTS OF KLUGE RD AND HUFFMEISTER RD AND 1100 FT NW OF KLUGE RD AND APPROX 4.0 MI N OF THE INTS OF US HWY. 290 AND HUFFMEISTER RD. IN HARRIS CTY, TEXAS

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 20, 2007

Agency Decision Requiring Compliance Enforcement

Compliance Period: March 19, 2002 to March 19, 2007

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

Name: Ms. Libby Hogue Phone: 512-239-1165

### 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  | 03/21/2002 | (228330) |
| 2  | 04/22/2002 | (228335) |
| 3  | 05/22/2002 | (228339) |
| 4  | 06/24/2002 | (228342) |
| 5  | 07/23/2002 | (228345) |
| 6  | 08/22/2002 | (228348) |
| 7  | 09/25/2002 | (228351) |
| 8  | 10/21/2002 | (228354) |
| 9  | 11/22/2002 | (228357) |
| 10 | 12/20/2002 | (228360) |
| 11 | 01/21/2003 | (228364) |
| 12 | 02/21/2003 | (228328) |
| 13 | 03/24/2003 | (228331) |
| 14 | 04/22/2003 | (228336) |
| 15 | 05/22/2003 | (324807) |
| 16 | 06/23/2003 | (324808) |

17	07/21/2003	(324809)
18	08/22/2003	(324810)
19	09/22/2003	(324811)
20	10/23/2003	(324812)
21	11/20/2003	(324813)
22	12/29/2003	(324814)
23	01/23/2004	(324815)
24	02/23/2004	(324805)
25	03/22/2004	(324806)
26	04/06/2004	(265984)
27	04/26/2004	(365427)
28	05/24/2004	(365428)
29	06/24/2004	(365429)
30	07/22/2004	(365430)
31	08/17/2004	(365431)
32	09/24/2004	(365432)
33	10/25/2004	(365433)
34	11/24/2004	(389231)
35	12/21/2004	(365434)
36	01/24/2005	(389232)
37	02/22/2005	(389229)
38	03/21/2005	(389230)
39	04/25/2005	(426789)
40	05/23/2005	(426790)
41	06/24/2005	(426791)
42	07/25/2005	(426792)
43	08/22/2005	(447011)
44	09/28/2005	(447012)
45	10/24/2005	(491077)
46	12/07/2005	(491078)
47	12/27/2005	(491079)
48	01/23/2006	(491080)
49	02/27/2006	(491075)
50	03/22/2006	(491076)
51	04/21/2006	(505606)
52	05/22/2006	(505607)
53	06/16/2006	(505608)
54	07/19/2006	(505609)
55	08/17/2006	(527891)
56	09/18/2006	(527892)
57	10/17/2006	(527893)
58	11/27/2006	(514511)
59	03/16/2007	(542540)

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

Date 05/31/2002 (228342)

Self Report? YES

Classification: Moderate

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

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

Date 07/31/2002 (228348)

Self Report? YES

Classification: Moderate

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

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

Date 12/31/2002 (228364)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2003 (228331)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2003 (228336)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2005 (426789)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2006 (505607)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2006 (527891)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2006 (527893)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
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  
HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 360  
RN103887923**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0405-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 Harris County Municipal Utility District No. 360 ("Harris County MUD No. 360") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Harris County MUD No. 360, represented by the law firm of Schwartz, Page & Harding, appear before the Commission and together stipulate that:

1. Harris County MUD No. 360 owns and operates a domestic wastewater treatment facility located approximately 3,500 feet north of the intersection of Kluge Road and Huffmeister Road, 1,100 feet northwest of Kluge Road and approximately 4.0 miles north of the intersection of U.S. Highway 290 and Huffmeister Road in Harris County, Texas (the "Facility").
2. Harris County MUD No. 360 has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Harris County MUD No. 360 agree that the Commission has jurisdiction to enter this Agreed Order, and that Harris County MUD No. 360 is subject to the Commission's jurisdiction.
4. Harris County MUD No. 360 received notice of the violations alleged in Section II ("Allegations") on or about March 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Harris County MUD No. 360 of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Three Thousand Nine Hundred Dollars (\$3,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Harris County MUD No. 360 has paid Three Thousand One Hundred Twenty Dollars (\$3,120) of the administrative penalty and Seven Hundred Eighty Dollars (\$780) is deferred contingent upon Harris County MUD No. 360's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Harris County MUD No. 360 fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Harris County MUD No. 360 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 Harris County MUD No. 360 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 Harris County MUD No. 360 has implemented the following corrective measures at the Facility:
  - a. In April 2006, the Return Activated Sludge (RAS) lines were jetted to remove accumulated debris and the lift pump problem was corrected by adjusting settings to prevent long run times that cut down on the detention time in the clarifier thereby temporarily increasing Ammonia Nitrogen levels;
  - b. On May 31, 2006, came into compliance with permitted effluent limits for Ammonia Nitrogen;
  - c. In June 2006, changed the skimmer on the clarifier and replaced the upper and lower squeegees on each rake arm with new ones thereby more effectively handling the Total Suspended Solid levels;
  - d. In September, October, and November 2006, the clarifier was dewatered so that debris could be removed to ensure proper movement of the sludge blanket and a general cleaning of the plant could take place, also the lift stations were serviced by an electrician to eliminate lift station control malfunctions, also the plant is being checked twice daily 7 days a week by operational staff and management staff twice a week or more if necessary while adjustments are being made; and
  - e. On January 31, 2007, came into compliance with permitted effluent limits for Total Suspended Solids.
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 Harris County MUD No. 360 has not complied with one or more of the terms or conditions in this Agreed Order.



11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Harris County MUD No. 360 is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13753001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on February 28, 2007, as indicated in the table below.

<b>Effluent Violation Table</b>					
Harris County Municipal Utility District (MUD) No. 360					
TPDES Permit No. 13753001 (Outfall 001A)					
Permitted Effluent Limits	Monitoring Period End Date				
	04/30/06	07/31/06	09/30/06	11/30/06	12/31/06
TSS Daily Avg. 15 mg/L (concentration)	16	39	16	15.250	17.375
TSS Daily Max (Single Grab) 60 mg/L	C	104	C	C	C
TSS Daily Max 50 lbs./day (loading)	C	123.816	C	C	C
NH <sub>3</sub> -N Daily Avg. 2 mg/L	3.225	C	C	C	C

NH <sub>3</sub> -N - Ammonia Nitrogen	mg/L = milligrams per liter
TSS – Total Suspended Solids	Avg. = average
lbs/day – pounds per day	C = Compliant



### III. DENIALS

Harris County MUD No. 360 generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Harris County MUD No. 360 pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Harris County MUD No. 360's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Harris County Municipal Utility District No. 360, Docket No. 2007-0405-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 provisions of this Agreed Order shall apply to and be binding upon Harris County MUD No. 360. Harris County MUD No. 360 is 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Harris County MUD No. 360 in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Harris County MUD No. 360, or three days after the date on which the Commission mails notice of the Order to Harris County MUD No. 360, 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

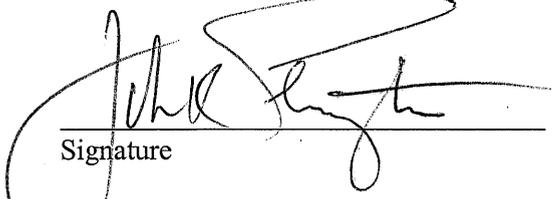
8/29/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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

6/6/07  
\_\_\_\_\_  
Date

John Sherrington  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Harris County Municipal Utility District No. 360

President, Board of Directors  
\_\_\_\_\_  
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.

10/2/00

and will be made available

and will be made available