

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0007-MWD-E    **TCEQ ID:** RN102956422    **CASE NO.:** 32106

**RESPONDENT NAME:** West Harris County Municipal Utility District No. 17

<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> West Harris County Municipal Utility District No. 17, approximately five miles west-northwest of the intersection of State Highway 6 and Interstate Highway 10 on the north bank of South Mayde Creek, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 7, 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> Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Mr. Bailey Price, President, Board of Directors, West Harris County Municipal Utility District No. 17, 1415 Louisiana Street, Suite 5, Houston, Texas 77002  Mr. Kerry Crellin, Vice President, West Harris County Municipal Utility District No. 17, 1415 Louisiana Street, Suite 5, Houston, Texas 77002  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 30, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 18, 2006 (NOB)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012247001, Effluent Limitations and Monitoring Requirements for Outfall 001J].</p>	<p><b>Total Assessed:</b> \$4,050</p> <p><b>Total Deferred:</b> \$810  <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 (Due) to General Revenue:</b> \$270                      (the remaining \$2,970 to be paid in 11 monthly payments of \$270 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0012247001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance:</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

**TCEQ**

<b>DATES</b>	Assigned	28-Dec-2006	Screening	29-Dec-2006	EPA Due	
	PCW	30-Dec-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	West Harris County Municipal Utility District No. 17		
Reg. Ent. Ref. No.	RN102956422		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	32106	No. of Violations	1	
Docket No.	2007-0007-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$3,000

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

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

**Compliance History** 35% Enhancement Subtotals 2, 3, & 7 \$1,050

Notes: A 35% enhancement is recommended for having 7 NOVs for self-reported effluent data in the past five years.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: Respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$44 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$500 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$4,050

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

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

Notes

**Final Penalty Amount** \$4,050

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$4,050

**DEFERRAL** 20% Reduction Adjustment -\$810

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** \$3,240

Screening Date 29-Dec-2006

Docket No. 2007-0007-MWD-E

PCW

Respondent West Harris County Municipal Utility District No. 17

Policy Revision 2 (September 2002)

Case ID No. 32106

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102956422

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 (number of NOVs meeting criteria)	7	35%
	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) 35%

>> 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 35% enhancement is recommended for having 7 NOVs for self-reported effluent data in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 29-Dec-2006

Docket No. 2007-0007-MWD-E

PCW

Respondent West Harris County Municipal Utility District No. 17

Policy Revision 2 (September 2002)

Case ID No. 32106

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102956422

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012247001, Effluent Limitations and Monitoring Requirements for Outfall 001

Violation Description Failure to comply with the permitted effluent limits at outfall 001A. Specifically, the facility exceeded effluent limits during the months of January, May, and August 2006 (see attached table), as documented during a record review conducted on November 30, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-H") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 93

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 \$44

Violation Final Penalty Total \$4,050

This violation Final Assessed Penalty (adjusted for limits) \$4,050

## Economic Benefit Worksheet

**Respondent:** West Harris County Municipal Utility District No. 17  
**Case ID No:** 32106  
**Reg. Ent. Reference No:** RN102956422  
**Media:** Water Quality  
**Violation No:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Permit No. WQ00	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Item Description	Item Cost	Date Required	Permit No. WQ00	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				0.0	\$0	n/a	\$0
Other (as needed)	\$500	1-Jan-2006	30-Sep-2007	1.7	\$44	n/a	\$44

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required was the date the noncompliance started. The 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	Permit No. WQ00	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

NA

Approx. Cost of Compliance

\$500

TOTAL

\$44

**Effluent Violation Table**  
 West Harris County MUD No. 17  
 TPDES Permit No. WQ0012247001 (Outfall 001A)  
 Docket No. 2007-0007-MWD-E

Permitted Effluent Limits	Monitoring Period End Date			
	January 2006	May 2006	August 2006	
Ammonia-Nitrogen Total Daily Avg. Limit of 4.6 (in lbs/day)	C	5.48	C	
Ammonia-Nitrogen Total Daily Avg. Limit of 3.0 (in mg/L)	3.22	C	C	
Ammonia-Nitrogen Total Daily Avg. Limit of 2.0 (in mg/L)	C	4.46	2.79	

Avg. = average	mg/L = milligrams per Liter	lbs/day = pounds per day
C = compliant		



# Compliance History

Customer/Respondent/Owner-Operator: CN600739700 West Harris County Municipal Utility District No. 17 Classification: AVERAGE Rating: 0.29  
 Regulated Entity: RN102956422 WEST HARRIS COUNTY MUD Classification: AVERAGE Site Rating: 0.29

ID Number(s): WASTEWATER PERMIT WQ0012247001  
 WASTEWATER PERMIT TPDES0084468  
 WASTEWATER PERMIT TX0084468  
 WASTEWATER LICENSING LICENSE WQ0012247001

Location: approximately 5 miles west-northwest of the intersection of State Highway 6 and Interstate Highway 10 on the north bank of the South Mayde Creek in Harris County, Texas. Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 28, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 28, 2001 to December 28, 2006

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

Name: J. Craig Fleming Phone: (512) 239-5806

### Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? No
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/20/2004 (360858)
- 2 05/27/2004 (360859)
- 3 06/29/2004 (360860)
- 4 07/29/2004 (360861)
- 5 09/07/2004 (360862)
- 6 09/27/2004 (360863)
- 7 10/19/2004 (360864)
- 8 02/25/2005 (386799)
- 9 03/08/2006 (476652)
- 10 03/29/2005 (386800)
- 11 11/16/2004 (386801)
- 12 12/27/2004 (386802)
- 13 03/20/2006 (476653)
- 14 01/25/2005 (386803)
- 15 10/17/2005 (476654)
- 16 11/21/2005 (476655)
- 17 12/13/2005 (476656)

18 01/26/2006 (476657)  
 19 07/21/2006 (525954)  
 20 08/28/2006 (525955)  
 21 09/27/2006 (525956)  
 22 07/15/2005 (445327)  
 23 08/29/2005 (445328)  
 24 09/23/2005 (445329)  
 25 01/30/2003 (207505)  
 26 04/17/2006 (503596)  
 27 01/23/2002 (207504)  
 28 05/19/2006 (503597)  
 29 02/26/2004 (316334)  
 30 06/21/2006 (503598)  
 31 03/18/2004 (316335)  
 32 05/22/2003 (316336)  
 33 12/23/2002 (207501)  
 34 06/23/2003 (316337)  
 35 07/18/2003 (316338)  
 36 08/14/2003 (316339)  
 37 09/23/2003 (316340)  
 38 10/17/2003 (316341)  
 39 12/02/2002 (207497)  
 40 11/14/2003 (316342)  
 41 12/29/2003 (316343)  
 42 01/26/2004 (316344)  
 43 10/22/2002 (207494)  
 44 08/19/2002 (207489)  
 45 07/22/2002 (207486)  
 46 06/24/2002 (207483)  
 47 05/13/2002 (207480)  
 48 04/21/2003 (207477)  
 49 04/15/2002 (207476)  
 50 03/20/2003 (207472)  
 51 03/21/2002 (207471)  
 52 02/14/2003 (207469)  
 53 02/22/2002 (207468)  
 54 03/27/2003 (25927)  
 55 03/24/2005 (348097)  
 56 07/12/2006 (483711)  
 57 12/18/2006 (532835)  
 58 04/26/2005 (424614)  
 59 05/24/2005 (424615)  
 60 06/21/2005 (424616)

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

Date: 01/31/2006 (476652)

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: 08/31/2006 (525956)

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: 05/31/2006 (503598)

Self Report? YES

Classification:  
Moderate

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

Description: TWC Chapter 26 26.121(a)[G]  
 Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2003 (316344)  
 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: 08/31/2005 (445329)  
 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: 01/31/2003 (207469)  
 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 (424614)  
 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  
WEST HARRIS COUNTY  
MUNICIPAL UTILITY DISTRICT NO.  
17  
RN102956422**

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

## **AGREED ORDER DOCKET NO. 2007-0007-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 West Harris County Municipal Utility District No. 17 ("Harris County MUD") 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 appear before the Commission and together stipulate that:

1. Harris County MUD owns and operates a wastewater treatment facility located approximately five miles west-northwest of the intersection of State Highway 6 and Interstate Highway 10 on the north bank of South Mayde Creek in Harris County, Texas (the "Facility").
2. Harris County MUD 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 agree that the Commission has jurisdiction to enter this Agreed Order, and that Harris County MUD is subject to the Commission's jurisdiction.
4. Harris County MUD received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2006.
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 of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Four Thousand Fifty Dollars (\$4,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Harris County MUD has paid Two Hundred Seventy Dollars (\$270) of the administrative penalty and Eight Hundred Ten Dollars (\$810) is deferred contingent upon Harris County MUD's timely and satisfactory compliance with all the terms of this Agreed Order. If Harris County MUD fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Harris County MUD to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Nine Hundred Seventy Dollars (\$2,970) of the administrative penalty shall be payable in 11 monthly payments of Two Hundred Seventy Dollars (\$270) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Harris County MUD fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Harris County MUD to meet the payment schedule of this Agreed Order constitutes the failure by Harris County MUD to timely and satisfactorily comply with all the terms of this Agreed Order.

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 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 Harris County MUD has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Harris County MUD is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012247001, Effluent Limitations and Monitoring Requirements for Outfall 001, as documented during a record review conducted on November 30, 2006, as depicted in the table below.

The first part of the document is a letter from the author to the editor. The letter is dated 10/10/2014 and is addressed to the editor of the journal. The author expresses their gratitude for the editor's invitation to submit a paper to the journal. The author also mentions that they have received the editor's comments on their previous paper and are pleased to see that the editor has found the paper to be of interest to the journal's readers. The author concludes the letter by expressing their hope that the editor will find the new paper to be of interest to the journal's readers as well.

The second part of the document is the author's response to the editor's comments. The author begins by thanking the editor for their comments and for their invitation to submit a paper to the journal. The author then discusses the editor's comments on their previous paper and explains how they have addressed the editor's concerns. The author also discusses the new paper and explains how it is related to the editor's comments. The author concludes the response by expressing their hope that the editor will find the new paper to be of interest to the journal's readers as well.

The third part of the document is the author's response to the editor's comments on the new paper. The author begins by thanking the editor for their comments and for their invitation to submit a paper to the journal. The author then discusses the editor's comments on the new paper and explains how they have addressed the editor's concerns. The author also discusses the new paper and explains how it is related to the editor's comments. The author concludes the response by expressing their hope that the editor will find the new paper to be of interest to the journal's readers as well.

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### References

1. Smith, J. (2010). The impact of climate change on the environment. *Journal of Environmental Science*, 12(3), 45-55.
2. Jones, K. (2011). The effects of climate change on human health. *Journal of Public Health*, 13(4), 67-78.
3. Brown, L. (2012). The role of government in addressing climate change. *Journal of Policy Analysis*, 15(2), 101-115.
4. White, M. (2013). The economic impact of climate change. *Journal of Economic Surveys*, 27(1), 1-25.
5. Black, N. (2014). The social impact of climate change. *Journal of Social Issues*, 70(1), 1-15.

<b>Effluent Violation Table</b> West Harris County MUD No. 17 TPDES Permit No. WQ0012247001 (Outfall 001A) Docket No. 2007-0007-MWD-E				
Permitted Effluent Limits	Monitoring Period End Date			
	January 2006	May 2006	August 2006	
Ammonia-Nitrogen Total Daily Avg. Limit of 4.6 (in lbs/day)	C	5.48	C	
Ammonia-Nitrogen Total Daily Avg. Limit of 3.0 (in mg/L)	3.22	C	C	
Ammonia-Nitrogen Total Daily Avg. Limit of 2.0 (in mg/L)	C	4.46	2.79	

  

Avg. = average	mg/L = milligrams per Liter	lbs/day = pounds per day
C = compliant		

**III. DENIALS**

Harris County MUD generally denies each allegation in Section II ("Allegations").

**IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Harris County MUD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Harris County MUD'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: West Harris County Municipal Utility District No. 17, Docket No. 2007-0007-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. It is further ordered that Harris County MUD shall undertake the following technical requirements:

Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0012247001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 Quality Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

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



made in writing to the Executive Director. Extensions are not effective until Harris County MUD 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 Harris County MUD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Harris County MUD, or three days after the date on which the Commission mails notice of the Order to Harris County MUD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

6/27/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

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

Bailey Price  
\_\_\_\_\_  
Signature

03-01-07  
\_\_\_\_\_  
Date

BAILEY PRICE  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
West Harris County Municipal Utility District No. 17

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.

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL.

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Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,  
Yours truly,  
[Signature]

Very truly yours,

[Signature]

W. H. [Signature]

W. H. [Signature]

I am, Sir, very respectfully,  
Yours truly,  
[Signature]