

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0565-MWD-E **TCEQ ID:** RN102821279 **CASE NO.:** 33186

**RESPONDENT NAME:** West Harris County Municipal Utility District 4

<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 4 WWTP, located at 4127 Westheimer Place on the south bank of Brays Bayou, approximately one mile east of the intersection of Farm-to-Market Road 1093 and Farm-to-Market Road 1464, Harris County</p> <p><b>TYPE OF OPERATION:</b> 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 October 15, 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. Deana Holland, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2504; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Mary Sorg, President, West Harris County Municipal Utility District 4, 8203 Willow Place Drive South, Suite 400, Houston, Texas 77070  <b>Respondent's Attorney:</b> Sara J. Anderson, Smith, Murdaugh, Little, and Bonham, L.L.P., Attorneys at Law, 1100 Louisiana Street, Suite 400, Houston, Texas 77002-5211</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 Record Review Relating to this Case:</b> March 22, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 2, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review for compliance with the water quality program. One significant program violation was observed.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 12119001, Final Effluent Limitations and Monitoring Requirement Nos. 1 and 2].</p>	<p><b>Total Assessed:</b> \$5,080</p> <p><b>Total Deferred:</b> \$1,016  <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> \$4,064</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 implemented the following corrective measures at the Facility:</p> <p>a) Made the necessary adjustments and modifications to the breaker settings for the three new 40 hp blowers in February 2006;</p> <p>b) Implemented a procedure for monitoring the chlorine residual in the event of a power outage in May 2006; and</p> <p>c) Became compliant with permitted effluent limitations as of May 2006.</p>

Additional ID No(s): WQ0012119001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

**TCEQ**

DATES	Assigned	9-Apr-2007	Screening	11-Apr-2007	EPA Due	
	PCW	30-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	West Harris County Municipal Utility District 4		
Reg. Ent. Ref. No.	RN102821279		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	33186	No. of Violations	1	
Docket No.	2007-0565-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Deana Holland	
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*

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

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

**Compliance History** 55% Enhancement *Subtotals 2, 3, & 7*

Notes: The Respondent self reported 10 months of effluent violations and was issued one written NOV for same or similar violations within the last five years.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction *Subtotal 5*

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

Notes: The Respondent became compliant with permitted effluent limitations as of May 2006, by making the necessary adjustments and modifications to the breaker settings for the three new 40 hp blowers in February 2006 and implementing a procedure for monitoring the chlorine residual in the event of a power outage in May 2006.

**Total EB Amounts** \$890 **Approx. Cost of Compliance** \$17,700 **0% Enhancement\*** *Subtotal 6*

\*Capped at the Total EB \$ Amount

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -2% *Adjustment*

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

Notes: Reduction to prevent double-enhancement of the penalty for same or similar violations that were not self-reported.

**Final Penalty Amount**

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

**DEFERRAL** 20% Reduction *Adjustment*

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**

Screening Date 11-Apr-2007

Docket No. 2007-0565-MWD-E

PCW

Respondent West Harris County Municipal Utility District 4

Policy Revision 2 (September 2002)

Case ID No. 33186

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102821279

Media [Statute] Water Quality

Enf. Coordinator Deana Holland

### 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 judgments 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

The Respondent self reported 10 months of effluent violations and was issued one written NOV for same or similar violations within the last five years.

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

Screening Date 11-Apr-2007

Docket No. 2007-0565-MWD-E

PCW

Respondent West Harris County Municipal Utility District 4

Policy Revision 2 (September 2002)

Case ID No. 33186

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102821279

Media [Statute] Water Quality

Enf. Coordinator Deana Holland

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a), TPDES Permit No. 12119001, Final Effluent Limitations and Monitoring Requirement Nos. 1 and 2

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on March 22, 2007. See attached effluent violation table.

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 to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS"), pH, and dissolved oxygen were also considered. 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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 123

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$890

Violation Final Penalty Total \$5,080

This violation Final Assessed Penalty (adjusted for limits) \$5,080

## Economic Benefit Worksheet

**Respondent:** West Harris County Municipal Utility District 4  
**Case ID No.:** 33186  
**Reg. Ent. Reference No.:** RN102821279  
**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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$15,000	31-Jul-2005	1-May-2006	0.8	\$38	\$751	\$788
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,700	31-Jul-2005	1-May-2006	0.8	\$101	n/a	\$101
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated costs of evaluating the causes of the effluent noncompliances is \$5,000 and implementing necessary rehabilitation work is \$10,000. Estimated costs of additional operator training and process control testing is based on \$100 per month. Date required is the beginning of the effluent noncompliances and the final date is the date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance	\$17,700	<b>TOTAL</b>	\$890
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**Effluent Violation Table**  
 West Harris County Municipal Utility  
 District 4  
 TPDES Permit No. 12119001  
 Docket No. 2007-0565-MWD-E

Monitoring Period End Date	Permitted Effluent Limits	
	Ammonia Nitrogen Daily Average Concentration Limit 2.0 mg/l	Total Minimum Chlorine Residual 1.0 mg/L
07/31/2005	3.675	c
12/31/2005	2.800	c
01/31/2006	2.220	c
04/30/2006	c	.74

mg/L = milligrams per liter	c = compliant
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# Compliance History

Customer/Respondent/Owner-Operator: CN600739304 West Harris County Municipal Utility District 4 Classification: AVERAGE Rating: 0.48

Regulated Entity: RN102821279 WEST HARRIS COUNTY MUD 4 WWTP Classification: AVERAGE Site Rating: 0.48

ID Number(s):  
 WASTEWATER EPA ID TX0079359  
 WASTEWATER PERMIT 12119001  
 WASTEWATER PERMIT WQ0012119001  
 WASTEWATER PERMIT TPDES0079359  
 WASTEWATER PERMIT TX0079359  
 WASTEWATER LICENSING LICENSE WQ0012119001

Location: 4127 Westheimer Place on the south bank of Brays Bayou, approximately 1 mile east of the intersection of Farm-to-Market Road 1093 and Farm-to-Market Road 1464 in Harris County, Texas Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 30, 2002 to April 30, 2007

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

Name: Deana Holland Phone: 239-2504

## 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?   | <u>N/A</u> |
| 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  | 05/22/2002 | (360315) |
| 2  | 06/24/2002 | (360320) |
| 3  | 07/23/2002 | (360325) |
| 4  | 08/20/2002 | (8875)   |
| 5  | 08/21/2002 | (360330) |
| 6  | 09/25/2002 | (360335) |
| 7  | 10/21/2002 | (360340) |
| 8  | 11/22/2002 | (360346) |
| 9  | 12/20/2002 | (360351) |
| 10 | 01/17/2003 | (360357) |
| 11 | 02/21/2003 | (360301) |
| 12 | 03/24/2003 | (360305) |
| 13 | 04/22/2003 | (360311) |
| 14 | 05/22/2003 | (360316) |
| 15 | 06/23/2003 | (360321) |
| 16 | 07/21/2003 | (360326) |
| 17 | 08/22/2003 | (360331) |
| 18 | 09/19/2003 | (360336) |

19 10/23/2003 (360341)  
 20 11/20/2003 (360347)  
 21 12/29/2003 (360352)  
 22 01/23/2004 (360358)  
 23 02/23/2004 (360302)  
 24 03/22/2004 (360307)  
 25 04/26/2004 (360312)  
 26 05/24/2004 (360317)  
 27 06/17/2004 (272491)  
 28 06/24/2004 (360322)  
 29 07/22/2004 (360327)  
 30 08/30/2004 (360332)  
 31 09/24/2004 (360337)  
 32 10/29/2004 (360342)  
 33 11/29/2004 (386502)  
 34 12/27/2004 (360353)  
 35 01/24/2005 (386503)  
 36 02/22/2005 (386500)  
 37 03/21/2005 (386501)  
 38 04/22/2005 (424352)  
 39 06/03/2005 (424353)  
 40 06/24/2005 (424354)  
 41 07/25/2005 (424355)  
 42 08/22/2005 (445129)  
 43 09/28/2005 (445130)  
 44 10/24/2005 (476218)  
 45 11/21/2005 (476219)  
 46 11/21/2005 (476220)  
 47 12/27/2005 (476221)  
 48 01/23/2006 (476222)  
 49 02/23/2006 (476216)  
 50 03/22/2006 (476217)  
 51 04/21/2006 (503341)  
 52 05/17/2006 (503342)  
 53 06/14/2006 (503343)  
 54 07/15/2006 (503344)  
 55 08/22/2006 (525718)  
 56 09/12/2006 (525719)  
 57 10/16/2006 (525720)  
 58 11/02/2006 (513537)  
 59 04/03/2007 (554710)

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

Date	04/30/2003	(360316)		
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	05/31/2003	(360321)		
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	01/31/2004	(360302)		
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	02/29/2004	(360307)		
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	01/31/2005	(386500)		

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	02/28/2005	(386501)	
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	07/31/2005	(445129)	
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	12/31/2005	(476222)	
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	01/31/2006	(476216)	
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	(503342)	
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	11/02/2006	(513537)	
Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Effluent Limitations and Monitoring		
Description:	Failure to maintain compliance with the permitted effluent limits.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Noncompliance Notification		
Description:	Failure to report a peak flow noncompliance.		

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 DISCRICT 4  
RN102821279

§  
§  
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§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0565-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 4 ("the District") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the District, represented by Sara J. Anderson of the law firm of Smith, Murdaugh, Little, and Bonham, L.L.P., appear before the Commission and together stipulate that:

1. The District owns and operates a wastewater treatment facility located at 4127 Westheimer Place on the south bank of Brays Bayou, approximately one mile east of the intersection of Farm-to-Market Road 1093 and Farm-to-Market Road 1464 in Harris County, Texas (the "Facility").
2. The District has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the District agree that the Commission has jurisdiction to enter this Agreed Order, and that the District is subject to the Commission's jurisdiction.
4. The District received notice of the violations alleged in Section II ("Allegations") on or about April 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the District of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Five Thousand Eighty Dollars (\$5,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The District has paid Four Thousand Sixty-Four Dollars (\$4,064) of the administrative penalty and One Thousand Sixteen Dollars (\$1,016) is deferred contingent upon the District'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 the District fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the District 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 District 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 the District has implemented the following corrective measures at the Facility:
  - a. Made the necessary adjustments and modifications to the breaker settings for the three new 40 hp blowers in February 2006;
  - b. Implemented a procedure for monitoring the chlorine residual in the event of a power outage in May 2006; and
  - c. Became compliant with permitted effluent limitations as of May 2006.
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 District 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, the District is alleged to have failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12119001, Final Effluent Limitations and Monitoring Requirement Nos. 1 and 2, as documented during a record review conducted on March 22, 2007, and as shown in the following table:



Effluent Violation Table		
West Harris County Municipal Utility District 4 TPDES Permit No. 12119001 Docket No. 2007-0565-MWD-E		
Monitoring Period End Date	Permitted Effluent Limits	
	Ammonia Nitrogen Daily Average Concentration Limit 2.0 mg/l	Total Minimum Chlorine Residual 1.0 mg/L
07/31/2005	3.675	c
12/31/2005	2.800	c
01/31/2006	2.220	c
04/30/2006	c	.74

mg/L = milligrams per liter	c = compliant
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**III. DENIALS**

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

**IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the District pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the District'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 4, Docket No. 2007-0565-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



P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the District. The District is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the District 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 the District, or three days after the date on which the Commission mails notice of the Order to the District, 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

*[Signature]*  
For the Executive Director

10/18/07  
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.

*Sara J. Anderson*  
Signature  
*attorney for the District*  
SARA J. ANDERSON

Name (Printed or typed)  
Authorized Representative of   
West Harris County Municipal Utility District 4

6-27-07  
Date

Attorney for West Harris  
Title County  
Mud 4

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.

