

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0826-MWD-E **TCEQ ID:** RN101400414 **CASE NO.:** 35910

RESPONDENT NAME: Northwest Harris County Municipal Utility District No. 5

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Northwest Harris County MUD 5 WWTP 1, 14950 Cypress Green Drive, approximately 0.5 mile east of the intersection of Spring Cypress Road and Telge Road, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 29, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. James Bonham, Agent for Notice, Northwest Harris County Municipal Utility District No. 5, 1100 Louisiana Street, Suite 400, Houston, Texas 77002 Mr. Harry Stollmack, President, Northwest Harris County Municipal Utility District No. 5, P.O. Box 890466, Houston, Texas 77289-0466 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 4, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 24, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11824001, which expired on February 1, 2008, and is continuing to discharge wastewater from the Facility without authorization [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$4,320</p> <p>Total Deferred: \$864 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,456</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on April 7, 2008, the Respondent submitted an administratively complete permit application for authorization to discharge wastewater under a TPDES permit.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits and conditions of expired TPDES Permit No. 11824001;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and</p> <p>c. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0011824001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

DATES	Assigned	28-Apr-2008	Screening	19-May-2008	EPA Due	
	PCW	19-May-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Northwest Harris County Municipal Utility District No. 5
Reg. Ent. Ref. No.	RN101400414
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35910	No. of Violations	1
Docket No.	2008-0826-MVD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Steve Villatoro
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	\$4,000
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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.		
Compliance History	8.0% Enhancement	Subtotals 2, 3, & 7
		\$320

Notes	An enhancement is recommended due to four unrelated NOVs.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet culpability criteria.
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Good Faith Effort to Comply	0.0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	

	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$332	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,320
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes	
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Final Penalty Amount	\$4,320
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,320
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DEFERRAL	20.0% Reduction	Adjustment	-\$864
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Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$3,456
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Screening Date 19-May-2008	Docket No. 2008-0826-MWD-E	PCW
Respondent Northwest Harris County Municipal Utility District No. 5	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35910	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101400414		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

Please Enter Yes or No

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) 8%

>> 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

An enhancement is recommended due to four unrelated NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date	19-May-2008	Docket No.	2008-0826-MWD-E	PCW
Respondent	Northwest Harris County Municipal Utility District No. 5	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35910	<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No.	RN101400414			
Media [Statute]	Water Quality			
Enf. Coordinator	Steve Villatoro			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a) and Tex. Admin. Code §§ 305.125(2) and 305.65			
Violation Description	Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11824001 and is continuing to discharge wastewater from the Facility without authorization.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual				
Potential				Percent 0%	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	x			
				Percent 10%
Matrix Notes	100% of the rule requirement was not met.			

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 108 Number of violation days

	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

mark only one with an x

Violation Base Penalty \$4,000

Four monthly events are recommended from the date of permit expiration (February 1, 2008) to the date of screening (May 19, 2008).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$332	Violation Final Penalty Total \$4,320
This violation Final Assessed Penalty (adjusted for limits) \$4,320	

Economic Benefit Worksheet

Respondent Northwest Harris County Municipal Utility District No. 5
Case ID No. 35910
Reg. Ent. Reference No. RN101400414
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Feb-2008	31-May-2009	1.33	\$332	n/a	\$332
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of preparing and submitting a new permit application to obtain authorization to discharge wastewater. Date Required is the date the previous permit expired and Final Date is date of expected compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$332

Compliance History

Customer/Respondent/Owner-Operator: CN600737639 Northwest Harris County Municipal Utility District No. 5 Classification: AVERAGE Rating: 2.65

Regulated Entity: RN101400414 NORTHWEST HARRIS COUNTY MUD 5 WWTP 1 Classification: AVERAGE Site Rating: 0.17

ID Number(s):	DISTRICTS	REGISTRATION	6041100
	WASTEWATER	EPA ID	TX0072346
	WASTEWATER	PERMIT	WQ0011824003
	WASTEWATER	PERMIT	WQ0011824001
	WASTEWATER	PERMIT	TPDES0072346
	WASTEWATER	PERMIT	TX0072346
	WASTEWATER LICENSING	LICENSE	WQ0011824001

Location: 14950 Cypress Green Drive, approximately 0.5 mile east of the intersection of Spring Cypress Road and Telge Road in Harris County, Texas Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 19, 2003 to May 19, 2008

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

Name: Steve Villatoro Phone: 512-239-4930

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 | 05/22/2003 | (312535) |
| 2 | 06/02/2003 | (61043) |
| 3 | 06/23/2003 | (312536) |
| 4 | 07/21/2003 | (312537) |
| 5 | 08/22/2003 | (312538) |
| 6 | 09/22/2003 | (312539) |
| 7 | 10/23/2003 | (312540) |
| 8 | 11/20/2003 | (312541) |
| 9 | 12/29/2003 | (312542) |
| 10 | 01/23/2004 | (312543) |
| 11 | 02/23/2004 | (312533) |
| 12 | 03/22/2004 | (312534) |
| 13 | 04/26/2004 | (359099) |
| 14 | 05/17/2004 | (359100) |
| 15 | 06/24/2004 | (359101) |

16 07/22/2004 (359102)
 17 08/30/2004 (359103)
 18 09/24/2004 (385765)
 19 10/25/2004 (359104)
 20 11/29/2004 (385766)
 21 12/27/2004 (359105)
 22 01/24/2005 (385767)
 23 02/22/2005 (385763)
 24 03/21/2005 (385764)
 25 03/23/2005 (349806)
 26 04/15/2005 (423713)
 27 06/03/2005 (423714)
 28 06/24/2005 (423715)
 29 07/25/2005 (423716)
 30 08/22/2005 (444507)
 31 09/28/2005 (444508)
 32 10/24/2005 (475181)
 33 11/21/2005 (475182)
 34 12/27/2005 (475183)
 35 01/23/2006 (475184)
 36 02/23/2006 (475179)
 37 03/22/2006 (475180)
 38 04/21/2006 (502723)
 39 05/22/2006 (502724)
 40 06/19/2006 (502725)
 41 07/19/2006 (502726)
 42 08/14/2006 (525056)
 43 08/24/2006 (510025)
 44 09/11/2006 (525057)
 45 10/16/2006 (525058)
 46 11/15/2006 (584347)
 47 12/13/2006 (584348)
 48 01/15/2007 (584349)
 49 02/12/2007 (584341)
 50 03/13/2007 (584342)
 51 04/16/2007 (584343)
 52 05/09/2007 (584344)
 53 06/14/2007 (584345)
 54 07/13/2007 (584346)
 55 08/15/2007 (604229)
 56 09/17/2007 (604230)
 57 10/15/2007 (604231)
 58 11/14/2007 (623217)
 59 11/28/2007 (597199)
 60 12/15/2007 (623218)
 61 01/10/2008 (623219)
 62 02/07/2008 (674580)
 63 03/12/2008 (674581)
 64 04/24/2008 (641725)

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

Date	10/31/2003	(312541)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2003	(312543)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2006	(502723)		

Self Report? YES Classification Moderate

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

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

Date 07/07/2006 (510025)

Self Report? NO Classification Minor

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

Rqmt Prov: PERMIT Self-reporting Requirements

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

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
NORTHWEST HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 5
RN101400414

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0826-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 Northwest Harris County Municipal Utility District No. 5 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant at 14950 Cypress Green Drive, approximately 0.5 mile east of the intersection of Spring Cypress Road and Telge Road in Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 29, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Three Hundred Twenty Dollars (\$4,320) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Four Hundred Fifty-Six Dollars (\$3,456) of the administrative penalty and Eight Hundred Sixty-Four Dollars (\$864) is deferred contingent upon the Respondent'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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on April 7, 2008, the Respondent submitted an administratively complete permit application for authorization to discharge wastewater under a Texas Pollutant Discharge Elimination System ("TPDES") permit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent 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 Respondent is alleged to have failed to maintain authorization for the discharge of wastewater, in violation of 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on April 4, 2008. Specifically, the Respondent did not renew TPDES Permit No. 11824001, which expired on February 1, 2008, and is continuing to discharge wastewater from the Facility without authorization.

III. DENIALS

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

1. The first part of the document discusses the general principles of the project and the objectives that have been set for the study.

2. The second part of the document describes the methodology used in the study, including the selection of participants and the procedures followed.

3. The third part of the document presents the results of the study, which show a significant correlation between the variables being studied.

4. The fourth part of the document discusses the implications of the findings and suggests areas for further research.

5. The fifth part of the document concludes the study and provides a summary of the key findings.

6. The sixth part of the document contains a list of references and a list of figures and tables.

7. The seventh part of the document contains a list of appendices and a list of abbreviations.

8. The eighth part of the document contains a list of acknowledgments and a list of contributors.

9. The ninth part of the document contains a list of contact information and a list of distribution channels.

10. The tenth part of the document contains a list of other related works and a list of other related authors.

11. The eleventh part of the document contains a list of other related topics and a list of other related keywords.

12. The twelfth part of the document contains a list of other related terms and a list of other related phrases.

13. The thirteenth part of the document contains a list of other related concepts and a list of other related ideas.

14. The fourteenth part of the document contains a list of other related theories and a list of other related models.

15. The fifteenth part of the document contains a list of other related methods and a list of other related techniques.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Northwest Harris County Municipal Utility District No. 5, Docket No. 2008-0826-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 the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits and conditions of expired TPDES Permit No. 11824001;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and
 - c. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance and shall 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 UNIVERSITY OF CHICAGO PRESS

The University of Chicago Press is pleased to announce the publication of the following titles in its series of books on the history of the United States. The series is edited by the late Professor James Osgood Easton and is published by the University of Chicago Press, Chicago, Illinois. The titles are:

- 1. *The American Revolution* by J. O. Easton
- 2. *The American Republic* by J. O. Easton
- 3. *The American Empire* by J. O. Easton
- 4. *The American People* by J. O. Easton

The series is published in a series of volumes, each of which is a separate book. The books are published in a series of volumes, each of which is a separate book. The books are published in a series of volumes, each of which is a separate book. The books are published in a series of volumes, each of which is a separate book.

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The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

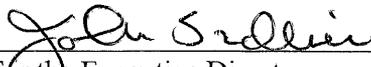
Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk St., Ste. H
Houston, Texas 77023-1425

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

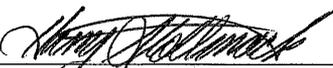
Date 9/10/2008

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

Date 7/15/08

HARRY STOLLMACK

Name (Printed or typed)
Authorized Representative of
Northwest Harris County Municipal Utility District No. 5

Title President

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.

