EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1282-MWD-E **TCEQ ID:** RN102546173 **CASE NO.:** 34394

RESPONDENT NAME: Fort Bend County Municipal Utility District 30

ORDER TYPE:		
_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
_X_WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Fort Bend MUD 30, 7530 Tetela Drive, approximately 2.5 miles west of the intersection of State Highway 6 and Beechnut Street, Fort Bend County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ____ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 17, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2576 ; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Ms. Linda Yorlano, President and Board of Directors, Fort Bend County Municipal Utility District 30, 12012 Wickchester Lane, Suite 120, Houston, Texas 77079-1210

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** July 16, 2007 **Date of NOV/NOE Relating to this Case:** July 30, 2007 (NOE) **Background Facts:** This was a routine record review investigation. **WATER** Failure to comply with permitted effluent limitations for Biochemical Oxygen Demand and Total Suspended Solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012068001, Interim Effluent Limitations and Monitoring Requirements No. 1].	**Total Assessed:** $6,680 **Total Deferred:** $1,336 _X_ Expedited Settlement ___ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $5,344 **Site Compliance History Classification** ___ **High** _X_ **Average** ___ **Poor** **Person Compliance History Classification** ___ **High** _X_ **Average** ___ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, achieve compliance with the interim permitted effluent limits contained in TPDES Permit No. WQ0012068001 and submit written certification of compliance. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision March 19, 2007*

TCEQ

DATES					
Assigned	6-Aug-2007				
PCW	9-Aug-2007	Screening	9-Aug-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Fort Bend County Municipal Utility District 30		
Reg. Ent. Ref. No.	RN102546173		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34394	No. of Violations	1
Docket No.	2007-1282-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$4,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **67%** Enhancement — *Subtotals 2, 3, & 7* **$2,680**

Notes: Enhancement for 12 NOVs with self-reported effluent data, one NOV with same or similar violations, and one NOV with dissimilar violations at this facility within the past five years.

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

Notes: The 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.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$173
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$6,680**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0%** — *Adjustment* **$0**

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

Notes:

Final Penalty Amount **$6,680**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$6,680**

DEFERRAL — **20%** Reduction — *Adjustment* **-$1,336**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$5,344**

Screening Date 9-Aug-2007 **Docket No.** 2007-1282-MWD-E **PCW**

Respondent Fort Bend County Municipal Utility District 30

Policy Revision 2 (September 2002)

Case ID No. 34394

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102546173

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

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*)	13	65%
	Other written NOVs	1	2%
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%

		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) 67%

>> 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

Enhancement for 12 NOVs with self-reported effluent data, one NOV with same or similar violations, and one NOV with dissimilar violations at this facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Screening Date 9-Aug-2007 **Docket No.** 2007-1282-MWD-E **PCW**

Respondent Fort Bend County Municipal Utility District 30 *Policy Revision 2 (September 2002)*

Case ID No. 34394 *PCW Revision March 19, 2007*

Reg. Ent. Reference No. RN102546173

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012068001, Interim Effluent Limitations and Monitoring Requirements No. 1.

Violation Description Failed to comply with permitted effluent limitations as documented during a record review conducted on July 16, 2007. See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow, total suspended solids, and ammonia nitrogen were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed protective levels.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 4 | 182 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $173

Statutory Limit Test

Violation Final Penalty Total $6,680

This violation Final Assessed Penalty (adjusted for limits) $6,680

Economic Benefit Worksheet

Respondent Fort Bend County Municipal Utility District 30
Case ID No. 34394
Reg. Ent. Reference No. RN102546173
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	31-Jul-2006	21-Apr-2008	1.7	$173	n/a	$173

Notes for DELAYED costs: The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected 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: $2,000

TOTAL: $173

Effluent Limit Violation Table

table rev.

Respondent	Fort Bend County Municipal Utility District 30
ID Number(s)	RN102546173, Case No. 34394
Docket Number	2007-1282-MWD-E
Enf. Coordinator	Thomas Jecha

Corresponds to Violation Number: 1

	EFFLUENT PARAMETER											
	Permit Limit											
	BOD Daily Avg	(Loading) BOD Daily Avg	BOD Daily Max	TSS Daily Avg	(Loading) TSS Daily Avg	TSS Daily Max						
Month/Year	10 mg/l	61lbs/day	25 mg/l	15 mg/l	91lbs/day	40 mg/l						
Jul-06	c	c	c	c	102.5	c						
Dec-06	c	c	c	15.5	c	c						
Feb-07	c	c	c	20.5	c	c						
Mar-07	18.8	62.4	46	19	c	41						
Apr-07	c	c	c	83.1	391.9	600						

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600738025	Fort Bend County Municipal Utility District 30	Classification: AVERAGE	Rating: 2.80
Regulated Entity:	RN102546173	FORT BEND COUNTY MUD 30 WWTF	Classification: AVERAGE	Site Rating: 0.51

ID Number(s):			
	WASTEWATER	PERMIT	WQ0012068001
	WASTEWATER	PERMIT	TPDES0078751
	WASTEWATER	PERMIT	TX0078751
	WASTEWATER LICENSING	LICENSE	WQ0012068001

Location:	7530 TETELA DR, APPROX. 2.5 MI. W OF INTERSECTION SH 6 & BEECHNUT ST, FORT BEND COUNTY	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepa	August 07, 2007		
Agency Decision Requiring Compliance	Enforcement		
Compliance Period:	August 07, 2002 to August 07, 2007		

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

Name: Thomas Jecha Phone: 512 239 2576

Site Compliance History Components

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

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/14/2002	(204429)
2	09/18/2002	(204432)
3	10/22/2002	(204435)
4	11/25/2002	(204439)
5	12/27/2002	(204442)
6	01/27/2003	(204446)
7	02/21/2003	(204409)
8	03/24/2003	(204412)
9	04/22/2003	(204417)
10	05/28/2003	(314940)
11	06/16/2003	(314941)
12	07/25/2003	(314942)
13	09/23/2003	(314944)
14	10/21/2003	(314946)
15	11/04/2003	(314943)
16	12/05/2003	(314947)
17	12/29/2003	(314948)
18	02/02/2004	(314949)
19	02/25/2004	(314938)
20	04/02/2004	(314939)

21 05/03/2004 (360193)
22 06/03/2004 (360194)
23 07/06/2004 (360195)
24 08/05/2004 (360196)
25 08/30/2004 (360197)
26 09/30/2004 (360198)
27 11/15/2004 (386415)
28 12/06/2004 (360199)
29 12/16/2004 (273404)
30 12/27/2004 (386416)
31 02/02/2005 (386417)
32 03/01/2005 (386413)
33 03/21/2005 (386414)
34 04/25/2005 (424291)
35 05/19/2005 (424292)
36 06/28/2005 (424293)
37 07/22/2005 (445071)
38 08/16/2005 (445072)
39 09/19/2005 (445073)
40 10/18/2005 (476112)
41 11/29/2005 (476113)
42 01/04/2006 (476114)
43 02/03/2006 (476115)
44 02/22/2006 (476110)
45 03/24/2006 (476111)
46 04/24/2006 (503275)
47 05/22/2006 (503276)
48 06/20/2006 (503277)
49 07/20/2006 (525648)
50 08/17/2006 (525649)
51 08/24/2006 (510111)
52 09/14/2006 (525650)
53 10/12/2006 (525651)
54 02/16/2007 (534924)
55 05/22/2007 (560962)
56 07/31/2007 (567891)

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

Date 09/30/2002 (204435)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date 11/30/2002 (204442)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date 12/31/2002 (204446)
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 (204409)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date 02/28/2003 (204412)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date 03/31/2003 (204417)

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 04/30/2003 (314940)

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 07/07/2006 (510111)

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.

Date 07/31/2006 (525649)

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 02/16/2007 (534924)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]

Description: Failure to properly operate and maintain the clarifier.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]

Description: Failure to prevent the unauthorized discharge of untreated or partially treated wastewater from the aeration and digester basins.

Self Report? NO Classification Major

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

Rqmt Prov: OP Effluent Limits & Monitoring Req. No. 4.

Description: Failure to prevent the discharge of wastewater solids into the receiving stream.

Date 12/31/2006

Self Report? YES Classification Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date 02/28/2007

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 03/31/2007

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 04/30/2007

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

K. Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING FORT BEND COUNTY	§	**TEXAS COMMISSION ON**
MUNICIPAL UTILITY DISTRICT 30	§	
RN102546173	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1282-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 Fort Bend County Municipal Utility District 30 ("Fort Bend MUD 30") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Fort Bend MUD 30 appear before the Commission and together stipulate that:

1. Fort Bend MUD 30 owns and operates a wastewater treatment plant located at 7530 Tetela Drive, approximately 2.5 miles west of the intersection of State Highway 6 and Beechnut Street in Fort Bend County, Texas (the "Facility").

2. Fort Bend MUD 30 has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Fort Bend MUD 30 agree that the Commission has jurisdiction to enter this Agreed Order, and that Fort Bend MUD 30 is subject to the Commission's jurisdiction.

4. Fort Bend MUD 30 received notice of the violations alleged in Section II ("Allegations") on or about August 4, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Fort Bend MUD 30 of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Six Hundred Eighty Dollars ($6,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Fort Bend MUD 30 has paid Five Thousand Three Hundred Forty-Four Dollars ($5,344) of the administrative penalty and One Thousand Three Hundred Thirty-Six Dollars ($1,336) is deferred contingent upon Fort Bend MUD 30'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 Fort Bend MUD 30 fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Fort Bend MUD 30 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 Fort Bend MUD 30 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 Fort Bend MUD 30 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, Fort Bend MUD 30 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012068001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 16, 2007 and shown in the table below.

	BOD Daily Avg	(Loading) BOD Daily Avg	BOD Daily Max	TSS Daily Avg	(Loading) TSS Daily Avg	TSS Daily Max
Month/Year	10 mg/l	61lbs/day	25 mg/l	15 mg/l	91lbs/day	40 mg/l
Jul-06	c	c	c	c	102.5	c
Dec-06	c	c	c	15.5	c	c
Feb-07	c	c	c	20.5	c	c
Mar-07	18.8	62.4	46	19	c	41
Apr-07	c	c	c	83.1	391.9	600

TSS = Total Suspended Solids	BOD = Biochemical Oxygen Demand (5-day)	c = compliant
mg/L = Milligrams per liter	lbs/dy = Pounds per day	
Min. = Minimum	Max. = Maximum	

III. DENIALS

Fort Bend MUD 30 generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Fort Bend MUD 30 pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Fort Bend MUD 30'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: Fort Bend County Municipal Utility District 30, Docket No. 2007-1282-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 Fort Bend MUD 30 shall, within 60 days after the effective date of this Agreed Order, achieve compliance with the interim permitted effluent limits contained in TPDES Permit No. WQ0012068001 and submit written certification of compliance as described below. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

   The certification 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 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:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Fort Bend MUD 30. Fort Bend MUD 30 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 Fort Bend MUD 30 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, Fort Bend MUD 30's failure to comply is not a violation of this Agreed Order. Fort Bend MUD 30 shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Fort Bend MUD 30 shall notify the Executive Director within seven days after Fort Bend MUD 30 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 Fort Bend MUD 30 shall be made in writing to the Executive Director. Extensions are not effective until Fort Bend MUD 30 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 Fort Bend MUD 30 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 Fort Bend MUD 30, or three days after the date on which the Commission mails notice of the Order to Fort Bend MUD 30, 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

_____ 12/11/07
For the Executive Director 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.

_____ October 5, 2007
Signature Date

Linda S. Yorlano President, Board of Directors
Name (Printed or typed) Title
Authorized Representative of
Fort Bend County Municipal Utility District 30

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.