

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1180-MWD-E **TCEQ ID:** RN102943131 **CASE NO.:** 34211

RESPONDENT NAME: Fort Bend County Municipal Utility District No. 116

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: Fort Bend County MUD 116, along the west side of Crabb River Road approximately 4,200 feet south of U.S. Highway 59, Fort Bend County</p> <p>TYPE OF OPERATION: Wastewater treatment</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 November 12, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, MC R-12, (713) 767-3672; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Kevin Friday, President, Fort Bend County Municipal Utility District No. 116, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 19, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 21, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits for Total Suspended Solids and Ammonia Nitrogen [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13976001, Interim Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$2,580</p> <p>Total Deferred: \$516 <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: \$2,064</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 the District has implemented the following corrective measures at the Facility:</p> <p>a. On March 31, 2007, completed clarifier and aeration system repairs necessary to ensure compliance with permitted effluent limits; and</p> <p>b. During March 2007, achieved compliance with TPDES Permit No. 13976001 effluent limits.</p>

Additional ID No(s): WQ13976001 and TX0117617



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES			
Assigned	2-Jul-2007	Screening	18-Jul-2007
PCW	23-Jul-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Fort Bend County Municipal Utility District No. 116		
Reg. Ent. Ref. No.	RN102943131		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34211	No. of Violations	1
Docket No.	2007-1180-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Catherine Albrecht
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	\$2,000
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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	54% Enhancement	Subtotals 2, 3, & 7
		\$1,080

Notes: The Respondent has one NOV for same or similar violations, two NOVs for other violations, and nine self-reported effluent violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$500
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed the clarifier rehabilitation work and achieved compliance with the permitted effluent limits during March 2007.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$943
Approx. Cost of Compliance	\$23,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,580
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$2,580
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,580
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DEFERRAL	20% Reduction	Adjustment	-\$516
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,064
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Screening Date	18-Jul-2007	Docket No.	2007-1180-MWD-E	PCW
Respondent	Fort Bend County Municipal Utility District No. 116	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34211	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN102943131			
Media [Statute]	Water Quality			
Enf. Coordinator	Catherine Albrecht			

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>	10	50%
	Other written NOVs	2	4%
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%
<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) 54%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	The Respondent has one NOV for same or similar violations, two NOVs for other violations, and nine self-reported effluent violations.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 54%

Screening Date	18-Jul-2007	Docket No.	2007-1180-MWD-E	PCW
Respondent	Fort Bend County Municipal Utility District No. 116			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34211			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN102943131			
Media [Statute]	Water Quality			
Enf. Coordinator	Catherine Albrecht			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 13976001, Interim Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)			
Violation Description	Failed to comply with permit effluent limits. See attached table.			
		Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	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 the effects of contaminants on human health and the environment. Failure to comply with permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$943"/>	Violation Final Penalty Total <input type="text" value="\$2,580"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,580"/>	

Economic Benefit Worksheet

Respondent Fort Bend County Municipal Utility District No. 116
 Case ID No. 34211
 Reg. Ent. Reference No. RN102943131
 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$23,300	1-Sep-2006	31-Mar-2007	0.6	\$45	\$898	\$943
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Reported costs for the rehabilitation work on the clarifier necessary to ensure proper operation of the Facility and adequate treatment to maintain compliance with permitted effluent limits. Date required is the first violation month. Final date is the date of the compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$23,300

TOTAL \$943

Respondent: Fort Bend County Municipal Utility District No. 116
 ID Number: RN102943131
 Docket Number: 2007-1180-MWD-E
 Enf. Coordinator: Catherine Albrecht

Corresponds to Violation 1:

OUTFALL OO1 INTERIM EFFLUENT LIMITS

Month/Year	TSS Dly Avg Loading Limit of 19.0 (in lbs/day)	TSS Dly Avg Conc Limit of 15.0 (in mg/L)	TSS Single Grab Limit of 60.0 (in mg/L)	NH3-N Dly Avg Limit of 3.0 (in mg/L)
Sep-06	c	c	c	3.4
Dec-06	c	16.8	c	c
Jan-07	55.2	53.5	109.0	c
Feb-07	22.2	26.8	76.0	c

Abbreviations: Total suspended solids ("TSS"); Ammonia-nitrogen ("NH3-N");
 Daily Average ("Dly Avg"); Concentration ("Conc");
 pounds per day ("lbs/day"); milligrams per liter ("mg/L");
 and compliant ("c")

Compliance History

Customer/Respondent/Owner-Operator: CN600740351 Fort Bend County Municipal Utility District 116

Classification: AVERAGE Rating: 0.26

Regulated Entity: RN102943131 FORT BEND COUNTY MUD 116

Classification: AVERAGE Site Rating: 0.43

ID Number(s):
WASTEWATER PERMIT WQ0013976001
WASTEWATER EPA ID TX0117617
WASTEWATER PERMIT TPDES0117617
WASTEWATER PERMIT TX0117617

Location: Located on the west side of Crabb River Road approximately 4,200 feet south of U.S. Highway 59 in Fort Bend County

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2002 to July 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Catherine Albrecht Phone: (713)767-3672

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 (231547)
2 09/18/2002 (231550)
3 10/18/2002 (231553)
4 11/25/2002 (231556)
5 12/17/2002 (231559)
6 01/08/2003 (20301)
7 01/27/2003 (231562)
8 02/05/2003 (23750)
9 02/17/2003 (231530)
10 03/14/2003 (231533)
11 04/17/2003 (231536)
12 05/20/2003 (326259)
13 06/16/2003 (326260)
14 07/25/2003 (326261)
15 09/23/2003 (326263)
16 10/21/2003 (326264)
17 11/04/2003 (326262)
18 12/05/2003 (326265)
19 01/05/2004 (326266)
20 02/06/2004 (326267)
21 03/02/2004 (326257)
22 04/02/2004 (326258)
23 05/03/2004 (366398)
24 06/03/2004 (366399)
25 07/06/2004 (366400)
26 07/06/2004 (272146)
27 08/05/2004 (366401)

28 09/22/2004 (333672)
29 09/30/2004 (366402)
30 09/30/2004 (366403)
31 11/16/2004 (389728)
32 12/06/2004 (366404)
33 12/27/2004 (389729)
34 02/02/2005 (389730)
35 02/18/2005 (346200)
36 03/28/2005 (389727)
37 04/25/2005 (427246)
38 05/19/2005 (427247)
39 06/28/2005 (427248)
40 07/22/2005 (447322)
41 08/30/2005 (447323)
42 09/19/2005 (447324)
43 10/06/2005 (491944)
44 11/29/2005 (491947)
45 01/04/2006 (491948)
46 02/03/2006 (491949)
47 02/22/2006 (491945)
48 03/24/2006 (491946)
49 04/24/2006 (506005)
50 05/22/2006 (506006)
51 06/20/2006 (506007)
52 07/13/2006 (506008)
53 08/16/2006 (528246)
54 08/27/2006 (510295)
55 09/14/2006 (528247)
56 10/13/2006 (528248)
57 06/25/2007 (564845)

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

Date: 10/31/2002 (231556)

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 (231562)

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: 01/07/2003 (20301)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)[G]
Description: Failure to operate and maintain the blowers/mechanical aeration.

Date: 11/30/2003 (326266)

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: 12/31/2003 (326267)

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 (326257)

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: 07/02/2004 (272146)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with effluent permit limits.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit effluent limits for total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), and ammonia-nitrogen (NH₃-N).

Date: 07/07/2006 (510295)
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: 09/30/2006 (528248)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

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

Date: 01/31/2007
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: 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

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
FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 116
RN102943131**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1180-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 No. 116 ("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 appear before the Commission and together stipulate that:

1. The District owns and operates a wastewater treatment facility located along the west side of Crabb River Road approximately 4,200 feet south of U.S. Highway 59 in Fort Bend County, Texas (the "Facility").
2. The District 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 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 June 26, 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 Two Thousand Five Hundred Eighty Dollars (\$2,580) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The District has paid Two Thousand Sixty-Four Dollars (\$2,064) of the administrative penalty and Five Hundred Sixteen Dollars (\$516) 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. On March 31, 2007, completed clarifier and aeration system repairs necessary to ensure compliance with permitted effluent limits; and
 - b. During March 2007, achieved compliance with Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13976001 effluent limits.
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 permit effluent limits, as listed in the table below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13976001, Interim Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 19, 2007.

Month/Year	TSS Dly Avg Loading Limit of 19.0 (in lbs/day)	TSS Dly Avg Conc Limit of 15.0 (in mg/L)	TSS Single Grab Limit of 60.0 (in mg/L)	NH3-N Dly Avg Limit of 3.0 (in mg/L)
Sep-06	c	c	c	3.4
Dec-06	c	16.8	c	c
Jan-07	55.2	53.5	109.0	c
Feb-07	22.2	26.8	76.0	c

Abbreviations: Total suspended solids ("TSS"); Ammonia-nitrogen ("NH3-N"); Daily Average ("Dly Avg"); Concentration ("Conc"); pounds per day ("lbs/day"); milligrams per liter ("mg/L"); and compliant ("c")

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. 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: Fort Bend County Municipal Utility District No. 116, Docket No. 2007-1180-MWD-E" to:

Financial Administration Division, Revenues Section
 Attention: Cashier's Office, MC 214
 Texas Commission on Environmental Quality
 P.O. Box 13088
 Austin, Texas 78711-3088

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



For the Executive Director

12/03/2007
Date

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

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

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

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



Signature

September 4, 2007
Date

Kevin Fridzy

Name (Printed or typed)
Authorized Representative of
Fort Bend County Municipal Utility District No. 116

President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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