

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0575-MWD-E **TCEQ ID:** RN102180882 **CASE NO.:** 37452
RESPONDENT NAME: Harris County Municipal Utility District No. 148

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: Harris County MUD No. 148, located at 11750 Greenspark Lane, approximately 1,600 feet south-southeast of the intersection of North Lake Houston Parkway and Kings Lake Forrest Drive, 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 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Calvet C. Shelley, President, Harris County Municipal Utility District No. 148, 1001 McKinney Street, Suite 1000, Houston, Texas 77002 Respondent's Attorney: Mr. Andrew Johnson, Johnson Radcliffe Petrov & Bobbitt, PLLC, 1001 McKinney Street, Suite 1000, Houston, Texas 77002</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: January 30, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 20, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011818001, Permit Conditions No. 2.g].</p> <p>2) Failure to maintain compliance with the permit effluent limits for total suspended solids, total ammonia nitrogen, carbonaceous biochemical oxygen demand, and total chlorine residual [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>3) Failure to submit a noncompliance notification report for effluent violations that deviated from the permitted effluent limits by more than 40%. Specifically, the total ammonia nitrogen value for the month of December 2008 exceeded the permitted limits by more than 40% and was not reported to TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011818001, Monitoring and Reporting Requirements No. 7.c].</p> <p>4) Failure to ensure that the Facility and all of its systems of treatment are properly</p>	<p>Total Assessed: \$21,650</p> <p>Total Deferred: \$4,330 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$17,320</p> <p>Total Paid (Due) to General Revenue: \$0</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 Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On August 28, 2007, repaired the collapsed sewer main and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>b. On October 16, 2007, pressure-cleaned the sanitary sewer line and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>c. On October 18, 2007, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>d. On December 5, 2007, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>e. On January 7, 2008, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>f. On January 19, 2008, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;</p> <p>g. By February 1, 2009, updated operational guidance and began sampling for chlorine residual at locations following each chlorine contact basin and at the combined effluent stream;</p> <p>h. On February 3, 2009, submitted the noncompliance notification for December 2008 to TCEQ;</p> <p>i. On February 13, 2009, removed sludge from the chlorine contact basins; and</p> <p>j. On March 16, 2009, lowered the solids levels in the aeration basins.</p>

<p>operated and maintained. Specifically, the investigator observed rust on the catwalks at Plant Nos. 1 and 2, above both aeration basins and Clarifier No. 1, and the integrity of the catwalks was deteriorated [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1].</p> <p>5) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, solids were not being maintained according to operator training manuals and accepted industry standards for process control. The chlorine contact chambers contained an average sludge blanket depth of 25% of the total depth, where there should be no measurable amount of sludge. The sludge blankets in Clarifier Nos. 1 and 2 exceeded the maximum recommended sludge depth of 25% of the total water depth and the Sludge Volume Index ("SVI") in Aeration Basin Nos. 1 and 3 were above the recommended range of 70 SVI-150 SVI [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1].</p> <p>6) Failure to collect total chlorine residual samples at the proper locations. Specifically, the investigator noted that the total chlorine residual samples were only being collected at a commingling point. Since the effluent from all three chlorine contact basins does not commingle for at least 20 minutes, samples are also required to be taken immediately following each chlorine contact basin [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(a) and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 2].</p>		<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, repair or replace the catwalks above the aeration basins and above Clarifier No. 1 at Plant Nos. 1 and 2, to ensure that all walkways are of industry standard strength and construction;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a;</p> <p>c. Within 60 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit a report to the Commission, documenting the progress of the corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits; and</p> <p>d. Within 540 days of the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011818001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>
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Additional ID No(s): MWD/WQ0011818001/CO

Attachment A
Docket Number: 2009-0575-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Harris County Municipal Utility District No. 148
Payable Penalty Amount:	Seventeen Thousand Three Hundred Twenty Dollars (\$17,320)
SEP Amount:	Seventeen Thousand Three Hundred Twenty Dollars (\$17,320)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of each check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Mar-2009	Screening	8-Apr-2009	EPA Due	
	PCW	13-Apr-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Harris County Municipal Utility District No. 148		
Reg. Ent. Ref. No.	RN102180882		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	37452	No. of Violations	6	
Docket No.	2009-0575-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Heather Brister	
		EC's Team	Enforcement Team 1	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 8-Apr-2009

Docket No. 2009-0575-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 148

Policy Revision 2 (September 2002)

Case ID No. 37452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102180882

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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)	16	80%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent self-reported 14 months of effluent violations and received two Notices of Violations for violations that are considered similar to the ones cited in this case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW
Respondent Harris County Municipal Utility District No. 148	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37462	<i>PCW Revision October 30, 2009</i>	
Reg. Ent. Reference No. RN102180882		
Media [Statute] Water Quality		
Enf. Coordinator Heather Bristler		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011818001, Permit Conditions No. 2.g	
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on January 30, 2009, and as described in the attached table.	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
		Major Moderate Minor
Release	Major Moderate Minor	
Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Percent 10%
Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Percent 0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.	
Adjustment		\$9,000
		\$1,000
Violation Events		
Number of Violation Events	6	Number of violation days 6
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		\$6,000
Six single events are recommended.		
Good Faith Efforts to Comply		\$1,500
	25.0% Reduction	
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	
N/A	<input type="checkbox"/>	<i>(mark with x)</i>
Notes	The Respondent achieved compliance by January 19, 2008.	
Violation Subtotal		\$4,500
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount	\$197	Violation Final Penalty Total \$9,019
This violation Final Assessed Penalty (adjusted for limits)		\$9,019

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37462
Reg. Ent. Reference No. RN102180882
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
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	\$10,000	28-Aug-2007	19-Jan-2008	0.39	\$197	n/a	\$197
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to make necessary repairs to the collection system lines and lift stations and clean and disinfect the affected areas. Date Required is the date of the first unauthorized discharge and Final Date is the date of 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 \$10,000 **TOTAL** \$197

Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW		
Respondent Harris County Municipal Utility District No. 148	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37452	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN102180882				
Media [Statute] Water Quality				
Enf. Coordinator Heather Brister				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to maintain compliance with the permit effluent limits, as documented during an investigation conducted on January 30, 2009, and as shown in the attached table.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		10%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	<p>A simplified model was used to evaluate carbonaceous biochemical oxygen demand, total ammonia nitrogen, and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and total chlorine residual were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.</p>			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events	4	185	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$4,000		
Four quarterly events are recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$4,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$15,144	Violation Final Penalty Total	\$6,982	
This violation Final Assessed Penalty (adjusted for limits)		\$6,982		

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37452
Reg. Ent. Reference No. RN102180882
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.00	\$0	n/a	\$0
Other (as needed)	\$110,000	31-Mar-2006	31-Dec-2010	2.75	\$15,144	n/a	\$15,144

Notes for DELAYED costs
 Estimated cost to construct a new Facility to achieve compliance with permitted effluent limits. Date Required is the initial month of noncompliance. Final Date is the expected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$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 TOTAL

\$110,000		\$15,144
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Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW
Respondent Harris County Municipal Utility District No. 148	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37452	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN102180882		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number 3		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011818001, Monitoring and Reporting Requirements No. 7.c		
Violation Description	Failed to submit a noncompliance notification report for effluent violations that deviated from the permitted effluent limits by more than 40%, as documented during an investigation conducted on January 30, 2009. Specifically, the total ammonia nitrogen value for the month of December 2008 exceeded the permitted limits by more than 40% and was not reported to TCEQ.	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Major Moderate Minor	
Release Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%
>> Programmatic Matrix		
	Major Moderate Minor	
Falsification	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent		10%
Matrix Notes	100% of the permit requirement was not met.	
Adjustment		\$9,000
		\$1,000
Violation Events		
Number of Violation Events	1	Number of violation days 14
<small>mark only one with an x</small>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		\$1,000
One single event is recommended.		
Good Faith Efforts to Comply		
10.0% Reduction		\$100
	Before NOV NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	<small>(mark with x)</small>	
Notes	The Respondent achieved compliance on February 3, 2009.	
Violation Subtotal		\$900
Economic Benefit (EB) for this violation		
Estimated EB Amount		\$0
Statutory Limit Test		
Violation Final Penalty Total		\$1,849
This violation Final Assessed Penalty (adjusted for limits)		\$1,849

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37452
Reg. Ent. Reference No. RN102180882
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jan-2009	3-Feb-2009	0.04	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to prepare and submit the noncompliance report. Date Required is the date the report was due.
 Final Date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$25 **TOTAL** \$0

Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW	
Respondent Harris County Municipal Utility District No. 148	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37452	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102180882			
Media [Statute] Water Quality			
Enf. Coordinator Heather Brister			
Violation Number 4			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(6) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1		
Violation Description	Failed to ensure that the Facility and all of its systems of treatment are properly operated and maintained, as documented during an investigation conducted on January 30, 2009. Specifically, the investigator observed rust on the catwalks at Plant Nos. 1 and 2, above both aeration basins and Clarifier No. 1, and the integrity of the catwalks was deteriorated.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent		10%	
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%	
Matrix Notes	Failure to maintain the catwalks is a safety concern and could expose human health or the environment to significant amounts of pollutants which would not exceed protective levels.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events	1	Number of violation days	68
<small>mark only one with an x</small>	daily <input type="checkbox"/> weekly <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input checked="" type="checkbox"/> semiannual <input type="checkbox"/> annual <input type="checkbox"/> single event <input type="checkbox"/>	Violation Base Penalty \$1,000	
One quarterly event is recommended from the investigation date (January 30, 2009) to the screening date (April 8, 2009).			
Good Faith Efforts to Comply			\$0
0.0% Reduction			
Before NOV NOV to EOPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$1,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$321	Violation Final Penalty Total	\$1,746
This violation Final Assessed Penalty (adjusted for limits)		\$1,746	

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37452
Reg. Ent. Reference No. RN102180882
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: No commas or \$

Delayed Costs

Equipment	\$5,000	30-Jan-2009	31-Dec-2009	0.92	\$15	\$306	\$321
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				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair or replace the deteriorated catwalks at the Facility. Date Required is the date of the investigation and Final Date is the anticipated date of 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

\$321

Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW	
Respondent Harris County Municipal Utility District No. 148	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37452	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102180882			
Media [Statute] Water Quality			
Enf. Coordinator Heather Brister			
Violation Number <input type="text" value="5"/>			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1		
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on January 30, 2009. Specifically, solids were not being maintained according to operator training manuals and accepted industry standards for process control. The chlorine contact chambers contained an average sludge blanket depth of 25% of the total depth, where there should be no measurable amount of sludge. The sludge blankets in Clarifier Nos. 1 and 2 exceeded the maximum recommended sludge depth of 25% of the total water depth and the Sludge Volume Index ("SVI") in Aeration Basin Nos. 1 and 3 were above the recommended range of 70 SVI-150 SVI.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Percent		<input type="text" value="10%"/>	
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.		
Adjustment		<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	Number of violation days
		<input type="text" value="45"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty		<input type="text" value="\$1,000"/>	
One quarterly event is recommended from the investigation date (January 30, 2009) to the date of compliance (March 16, 2009).			
Good Faith Efforts to Comply			<input type="text" value="\$250"/>
25.0% Reduction			
<small>Before NCV NOV to EOPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>	
N/A	<input type="text"/>	<small>(mark with x)</small>	
Notes	The Respondent achieved compliance by March 16, 2009.		
Violation Subtotal		<input type="text" value="\$750"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount		<input type="text" value="\$40"/>	Violation Final Penalty Total
			<input type="text" value="\$1,503"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,503"/>

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37452
Reg. Ent. Reference No. RN102180882
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.00	\$0	n/a	\$0
Other (as needed)	\$6,500	30-Jan-2009	16-Mar-2009	0.12	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost to remove solids from the chlorine contact basins and the aeration basins. Date Required is the date of the investigation and Final Date is the date of 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

\$6,500

TOTAL

\$40

Screening Date 8-Apr-2009	Docket No. 2009-0575-MWD-E	PCW		
Respondent Harris County Municipal Utility District No. 148	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37452	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102180882				
Media [Statute] Water Quality				
Enf. Coordinator Heather Brister				
Violation Number 6				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.5(a) and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 2			
Violation Description	Failed to collect total chlorine residual samples at the proper locations, as documented during the investigation conducted on January 30, 2009. Specifically, the investigator noted that the total chlorine residual samples were being collected only at a commingling point. Since the effluent from all three chlorine contact basins does not commingle for at least 20 minutes, samples are also required to be taken immediately following each chlorine contact basin.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
OR				
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text"/>	
Percent			5%	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
Percent			0%	
Matrix Notes	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment			\$9,600	
			\$500	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="2"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty
	weekly	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	
	quarterly	<input type="text"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
	single event	<input checked="" type="text"/>	<input type="text"/>	
One single event is recommended.				\$500
Good Faith Efforts to Comply			25.0% Reduction	\$125
			<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text"/>	<input type="text"/>		
N/A	<small>(mark with x)</small>			
Notes	The Respondent achieved compliance on February 1, 2009.			
Violation Subtotal			\$375	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount			\$30	Violation Final Penalty Total
			\$752	
This violation Final Assessed Penalty (adjusted for limits)			\$752	

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 148
Case ID No. 37452
Reg. Ent. Reference No. RN102180882
Media Water Quality
Violation No. 6

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	\$100	30-Jan-2009	1-Feb-2009	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to update operational guidance to ensure that the total chlorine residual samples are collected at the proper locations. Date Required is the date of the Investigation. Final Date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$30	30-Jan-2009	1-Feb-2009	0.00	\$0	\$30	\$30
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs: Estimated cost to analyze the required parameters. Date required is the Investigation date. Final date is the date of compliance.

Approx. Cost of Compliance \$130 TOTAL \$30

VIOLATION TABLE
Harris County Municipal Utility District No. 148
TPDES Permit No. WQ0011818001
Docket No. 2009-0575-MWD-E
Corresponds to Violation No. 1

Date	Location	Amount Discharged (gallons)	Description
8/28/2007	12342 Currin Forest - Sewer Main	100	Collapsed sewer main which caused an overflow into a storm drain.
10/18/2007	11610 Silent Elm - Collection System Manhole	165	Power outage at the lift station which caused an overflow at a manhole that flowed into a storm drain.
10/16/2007	11715 Greensbrook Forest - Customer Cleanout	150	Grease blockage in the district cleanout which caused an overflow into the storm drain.
12/5/2007	11643 Cabott Hill - Collection System Manhole	300	Power outage at the lift station which caused an overflow into the storm drain.
1/7/2008	11650 Cabott Hill - Collection System Manhole	105	Power outage at the lift station which caused an overflow into the storm drain.
1/19/2008	11650 Cabott Hill - Collection System Manhole	150	Power outage at the lift station which caused an overflow into the storm drain.

Effluent Limit Violation Table

table rev.

Respondent	Harris County Municipal District No. 148
ID Number(s)	WQ0011818001
Docket Number	2009-0575-MWD-E
Enf. Coordinator	Heather Brister

Corresponds to Violation Number:

2

EFFLUENT PARAMETER						
	Month/Year					
	Mar-08	May-08	Aug-08	Nov-08	Dec-08	Jan-09
Permit Limit						
Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	c	c	c	15.78	20.58	19.00
Total Suspended Solids Single Grab 60 Milligrams per Liter	c	c	c	c	68.00	c
*Total Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	N/A	3.56	3.18	N/A	N/A	N/A
Carbonaceous Biochemical Oxygen Demand Daily Average Concentration 10 Milligrams per Liter	c	c	c	c	13.44	c
Carbonaceous Biochemical Oxygen Demand Single Grab 35 Milligrams per Liter	c	c	c	c	49.00	c
***Total Ammonia Nitrogen Daily Average Concentration 5 Milligrams per Liter	c	N/A	N/A	c	10.52	12.15
***Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter	15.40	N/A	N/A	c	16.60	18.40
Total Chlorine Residual Concentration Minimum 1.0 Milligrams per Liter	c	c	c	c	c	0.52

c = compliant
*April - October

N/A = not applicable
***November - March

Compliance History Report

Customer/Respondent/Owner-Operator: CN600737258 Harris County Municipal District No. 148 Classification: AVERAGE Rating: 1.87

Regulated Entity: RN102180882 HARRIS COUNTY MUD NO. 148 WASTEWATER TREATMENT FACILITY Classification: AVERAGE Site Rating: 0.73

ID Number(s): WASTEWATER PERMIT WQ0011818001
 WASTEWATER PERMIT TPDES0071897
 WASTEWATER PERMIT TX0071897
 WASTEWATER LICENSING LICENSE WQ0011818001

Location: Located at 11750 Greenspark Lane, approximately 1,600 feet south-southeast of the intersection of North Lake Houston Parkway and Kings Lake Forrest Drive in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: April 07, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 07, 2004 to April 07, 2009
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: 254/761-3034

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- | | |
|--|-----|
| A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. Chronic excessive emissions events. | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.) | |
- | | | |
|----|------------|----------|
| 1 | 04/26/2004 | (359031) |
| 2 | 05/24/2004 | (359032) |
| 3 | 06/24/2004 | (359033) |
| 4 | 07/22/2004 | (359034) |
| 5 | 08/30/2004 | (359035) |
| 6 | 09/07/2004 | (286580) |
| 7 | 09/24/2004 | (359036) |
| 8 | 10/25/2004 | (359037) |
| 9 | 11/29/2004 | (385715) |
| 10 | 12/21/2004 | (385716) |
| 11 | 01/24/2005 | (385717) |
| 12 | 02/22/2005 | (385713) |
| 13 | 03/21/2005 | (385714) |
| 14 | 04/15/2005 | (430346) |
| 15 | 05/23/2005 | (430347) |
| 16 | 06/24/2005 | (430348) |
| 17 | 07/25/2005 | (430349) |
| 18 | 08/22/2005 | (444476) |
| 19 | 09/28/2005 | (444477) |
| 20 | 10/24/2005 | (475126) |
| 21 | 11/21/2005 | (475127) |
| 22 | 12/27/2005 | (475128) |
| 23 | 01/23/2006 | (475129) |

24	02/23/2006	(475124)
25	03/22/2006	(475125)
26	04/21/2006	(502693)
27	05/17/2006	(502694)
28	06/16/2006	(502695)
29	07/20/2006	(502696)
30	08/17/2006	(525026)
31	09/19/2006	(525027)
32	10/06/2006	(508883)
33	10/16/2006	(525028)
34	11/09/2006	(518899)
35	11/15/2006	(584280)
36	12/18/2006	(584281)
37	01/18/2007	(584282)
38	02/17/2007	(584274)
39	03/19/2007	(584275)
40	04/18/2007	(584276)
41	05/07/2007	(557810)
42	05/15/2007	(584277)
43	06/17/2007	(584278)
44	07/17/2007	(584279)
45	08/18/2007	(608478)
46	09/18/2007	(608479)
47	10/19/2007	(608480)
48	11/01/2007	(598632)
49	11/14/2007	(623175)
50	12/18/2007	(623176)
51	01/18/2008	(623177)
52	02/18/2008	(674550)
53	03/18/2008	(674551)
54	04/23/2008	(674552)
55	05/18/2008	(692882)
56	06/20/2008	(692883)
57	07/16/2008	(692884)
58	08/20/2008	(714057)
59	09/23/2008	(714058)
60	10/30/2008	(714059)
61	12/05/2008	(730092)
62	01/09/2009	(730093)
63	03/20/2009	(725955)

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

Date:	08/31/2004	(359036)	CN600737258	
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:	05/31/2005	(430348)	CN600737258	
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:	09/30/2005	(475126)	CN600737258	
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:	01/31/2006	(475124)	CN600737258	
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: **06/30/2006** (502696) **CN600737258**
 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: **09/30/2006** (525028) **CN600737258**
 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: **10/06/2006** (508883) **CN600737258**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations & Mon. Req. No. 1 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements No. 1 PERMIT
 Description: Failure to properly maintain the wastewater treatment plant.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements No. 9 PERMIT
 Description: Failure to provide documentation indicating that a summary submittal letter, regarding the recent plant expansion, was submitted.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements Section No. 7 PERMIT
 Description: Failure to provide documentation indicating that the TCEQ Region 12 office, the TCEQ Water Quality Applications Team, and Harris County Public Health & Environmental Services were notified in writing within 45 days of completion of the final phase treatment facilities.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.121
 Permit Other Requirements Section No. 6 PERMIT
 Description: Failure to provide documentation indicating that the TCEQ Wastewater Permitting Section was provided with sufficient evidence prohibiting residential structures within the part of the buffer zone not owned by the permittee. The permit required this evidence to be submitted prior to construction of the final phase treatment facilities.

Date: **11/30/2006** (584281) **CN600737258**
 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: **01/31/2007** (584274) **CN600737258**
 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: **07/26/2007** (563867) **CN600737258**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations & Mon Req #1 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS).

Self Report? NO Classification: Moderate
Citation: Permit Conditions, No. 2g PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)
Operational Requirements No. 1 PERMIT
Description: Failure to properly operate and maintain the wastewater treatment plant.

Date: **03/31/2008** (674552) **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **05/31/2008** (692883) **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **08/31/2008** (714058) **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2008** **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **12/31/2008** (730092) **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2009** (730093) **CN600737258**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
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
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 148
RN102180882**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0575-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 Harris County Municipal Utility District No. 148 ("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, represented by Andrew Johnson of the law firm Johnson Radcliffe Petrov & Bobbitt PLLC, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 11750 Greenspark Lane, approximately 1,600 feet south-southeast of the intersection of North Lake Houston Parkway and Kings Lake Forrest Drive in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 March 25, 2009.
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 Twenty-One Thousand Six Hundred Fifty Dollars (\$21,650) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Four Thousand Three Hundred Thirty Dollars (\$4,330) 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. Seventeen Thousand Three Hundred Twenty Dollars (\$17,320) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 the Respondent has implemented the following corrective measures at the Facility:
 - a. On August 28, 2007, repaired the collapsed sewer main and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - b. On October 16, 2007, pressure-cleaned the sanitary sewer line and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - c. On October 18, 2007, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - d. On December 5, 2007, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - e. On January 7, 2008, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - f. On January 19, 2008, re-connected the power to the lift station and disinfected the affected area with calcium hypochlorite and flushed with fresh water;
 - g. By February 1, 2009, updated operational guidance and began sampling for chlorine residual at locations following each chlorine contact basin and at the combined effluent stream;
 - h. On February 3, 2009, submitted the noncompliance notification for December 2008 to TCEQ;
 - i. On February 13, 2009, removed sludge from the chlorine contact basins; and
 - j. On March 16, 2009, lowered the solids levels in the aeration basins.
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:

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011818001, Permit Conditions No. 2.g, as documented during an investigation conducted on January 30, 2009, and as described in the following table:

VIOLATION TABLE			
Date	Location	Amount Discharged (gallons)	Description
8/28/2007	12342 Currin Forest - Sewer Main	100	Collapsed sewer main which caused an overflow into a storm drain.
10/18/2007	11610 Silent Elm - Collection System Manhole	165	Power outage at the lift station which caused an overflow at a manhole that flowed into a storm drain.
10/16/2007	11715 Greensbrook Forest - Customer Cleanout	150	Grease blockage in the district cleanout which caused an overflow into the storm drain.
12/5/2007	11643 Cabott Hill - Collection System Manhole	300	Power outage at the lift station which caused an overflow into the storm drain.
1/7/2008	11650 Cabott Hill - Collection System Manhole	105	Power outage at the lift station which caused an overflow into the storm drain.
1/19/2008	11650 Cabott Hill - Collection System Manhole	150	Power outage at the lift station which caused an overflow into the storm drain.

2. Failed to maintain compliance with the permit effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on January 30, 2009, and as described in the following table:

EFFLUENT PARAMETER						
Month/Year						
	Mar-08	May-08	Aug-08	Nov-08	Dec-08	Jan-09
Permit Limit						
Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	c	c	c	15.78	20.56	19.00
Total Suspended Solids Single Grab 60 Milligrams per Liter	c	c	c	c	68.00	c
*Total Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	N/A	3.56	3.18	N/A	N/A	N/A
Carbonaceous Biochemical Oxygen Demand Daily Average Concentration 10 Milligrams per Liter	c	c	c	c	13.44	c
Carbonaceous Biochemical Oxygen Demand Single Grab 35 Milligrams per Liter	c	c	c	c	49.00	c
***Total Ammonia Nitrogen Daily Average Concentration 5 Milligrams per Liter	c	N/A	N/A	c	10.52	12.15
***Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter	15.40	N/A	N/A	c	16.60	18.40
Total Chlorine Residual Concentration Minimum 1.0 Milligrams per Liter	c	c	c	c	c	0.52

c = compliant
 *April - October

N/A = not applicable
 ***November - March

- Failed to submit a noncompliance notification report for effluent violations that deviated from the permitted effluent limits by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011818001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on January 30, 2009. Specifically, the total ammonia nitrogen value for the month of December 2008 exceeded the permitted limits by more than 40% and was not reported to TCEQ.
- Failed to ensure that the Facility and all of its systems of treatment are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1, as documented during an investigation conducted on January 30, 2009. Specifically, the investigator observed rust on the catwalks at Plant Nos. 1 and 2, above both aeration basins and Clarifier No. 1, and the integrity of the catwalks was deteriorated.

5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011818001, Operational Requirements No. 1, as documented during an investigation conducted on January 30, 2009. Specifically, solids were not being maintained according to operator training manuals and accepted industry standards for process control. The chlorine contact chambers contained an average sludge blanket depth of 25% of the total depth, where there should be no measurable amount of sludge. The sludge blankets in Clarifier Nos. 1 and 2 exceeded the maximum recommended sludge depth of 25% of the total water depth and the Sludge Volume Index ("SVI") in Aeration Basin Nos. 1 and 3 were above the recommended range of 70 SVI-150 SVI.
6. Failed to collect total chlorine residual samples at the proper locations, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(a) and TPDES Permit No. WQ0011818001, Effluent Limitations and Monitoring Requirements No. 2, as documented during the investigation conducted on January 30, 2009. Specifically, the investigator noted that the total chlorine residual samples were only being collected at a commingling point. Since the effluent from all three chlorine contact basins does not commingle for at least 20 minutes, samples are also required to be taken immediately following each chlorine contact basin.

III. DENIALS

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

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: Harris County Municipal Utility District No. 148, Docket No. 2009-0575-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seventeen Thousand Three Hundred Twenty Dollars (\$17,320) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, repair or replace the catwalks above the aeration basins and above Clarifier No. 1 at Plants Nos. 1 and 2, to ensure that all walkways are of industry standard strength and construction;
- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.d. below.
- c. Within 60 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit a report to the Commission, documenting the progress of the corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits. The reports shall be submitted to the addresses in Ordering Provision No. 3.d below and shall continually be submitted on a semi-annual basis until written certification of compliance with Ordering Provision No. 3.d is submitted.
- d. Within 540 days of the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011818001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.

5. 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.
6. 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.
7. 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.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. 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

John S. Rollins
For the Executive Director

9/17/09
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.

Calvet C. Shelle
Signature

07-14-09
Date

CALVET C. SHELLY
Name (Printed or typed)
Authorized Representative of
Harris County Municipal Utility District No. 148

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.

Attachment A
Docket Number: 2009-0575-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Harris County Municipal Utility District No. 148
Payable Penalty Amount:	Seventeen Thousand Three Hundred Twenty Dollars (\$17,320)
SEP Amount:	Seventeen Thousand Three Hundred Twenty Dollars (\$17,320)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of each check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

