

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1169-MWD-E **TCEQ ID:** RN101609089 **CASE NO.:** 36245

**RESPONDENT NAME:** Harris County Municipal Utility District No. 24

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Harris County MUD 24, 450 feet north of the intersection of Theisswood Road and Theiss Gully, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 12, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Ruben Gonzales Jr., President, Board of Directors, Harris County Municipal Utility District No. 24, 602 Sawyer Street, Suite 205, Houston, Texas 77007  <b>Respondent's Attorney:</b> Ms. Gindi Eckel Vincent, Attorney, Pillsbury, 2 Houston Center, 909 Fannin, Suite 2000, Houston, Texas 77010-1018</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 29, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 27, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to minimize or prevent any discharge or sludge disposal which has a reasonable likelihood of adversely affecting the environment. Specifically, the clarifier drive at the Facility had failed, resulting in the discharge of between one and twelve inches of sludge from the outfall to a point 800 feet downstream of the outfall [30 TEX. ADMIN. CODE § 305.125(4) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011988001, Permit Conditions 2.d].</p> <p>2) Failure to maintain compliance with permitted effluent limitations for ammonia-nitrogen and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011988001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>3) Failure to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the daily average ammonia nitrogen effluent violations for the month of March 2008 which were over 40 percent of the permitted limit [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011988001, Monitoring and</p>	<p><b>Total Assessed:</b> \$25,270</p> <p><b>Total Deferred:</b> \$5,054  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$20,216</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By May 12, 2008, rented and installed temporary pumps in the clarifier to pump sludge back into the aeration basins, brought in vacuum trucks to skim the sludge off the top of the clarifier, ordered and installed a new clarifier drive, increased the sludge hauling frequency, and cleaned the chlorine contact chamber and receiving stream impacted by the unauthorized discharge;</p> <p>b. By May 22, 2008, submitted DMRs for the monitoring periods ending September 30, 2007, November 30, 2007, December 31, 2007, January 31, 2008, February 29, 2008, and March 31, 2008; and</p> <p>c. On July 23, 2008, submitted a noncompliance notification for the March 2008 daily average ammonia-nitrogen excursions which exceeded the permit limitations by at least 40 percent.</p> <p><b>Ordering Provisions:</b></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, develop regulatory and permitting guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports; and that all reporting procedures are properly accomplished, including procedures to ensure that written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ;</p>

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<p>Reporting Requirements No. 7.c]. 4) Failure to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending September 30, 2007, November 30, 2007, December 31, 2007, January 31, 2008, February 29, 2008, and March 31, 2008 [30 TEX. ADMIN. CODE §§ 319.7(c) and 305.125(17) and TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 1].</p>		<p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011988001, 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): WQ0011988001



Attachment A

Docket Number: 2008-1169-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Harris County Municipal Utility District No. 24</b>
<b>Payable Penalty Amount:</b>	<b>Twenty Thousand Two Hundred Sixteen Dollars (\$20,216)</b>
<b>SEP Amount:</b>	<b>Twenty Thousand Two Hundred Sixteen Dollars (\$20,216)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Gulf Coast Waste Disposal Authority (“GCWDA”)-River, Lakes, Bays ‘N Bayous Trash Bash</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 will contribute to Gulf Coast Waste Disposal Authority (“GCWDA”) for its River, Lakes, Bays ‘N Bayous Trash Bash in Harris County. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the GCWDA and TCEQ. Specifically, the contribution will be used to pay for materials, supplies, disposal costs, and transportation costs directly associated with the cleanup of trash and pollutants from the Galveston Bay and the San Jacinto watershed.

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 removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.

**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:

Lori Gernhardt  
Gulf Coast Waste Disposal Authority  
910 Bay Area Boulevard  
Houston, Texas 77058

**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 the 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:

Office of Legal Services  
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 June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Jul-2008	<b>Screening</b>	18-Jul-2008	<b>EPA Due</b>	
	<b>PCW</b>	16-Jul-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Harris County Municipal Utility District No. 24
<b>Reg. Ent. Ref. No.</b>	RN101609089
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36245	<b>No. of Violations</b>	4
<b>Docket No.</b>	2008-1169-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Merrilee Hupp
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$15,600

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

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

**Compliance History** 70.0% Enhancement **Subtotals 2, 3, & 7** \$10,920

**Notes** The Respondent received five NOV's for same or similar violations and self-reported nine effluent violations.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$1,250

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$2,831  
Approx. Cost of Compliance \$229,175  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$25,270

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$25,270

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$25,270

**DEFERRAL** 20.0% Reduction **Adjustment** -\$5,054

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

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$20,216

**Screening Date** 18-Jul-2008

**Docket No.** 2008-1169-MWD-E

**PCW**

**Respondent** Harris County Municipal Utility District No. 24

*Policy Revision 2 (September 2002)*

**Case ID No.** 36245

*PCW Revision June 12, 2008*

**Reg. Ent. Reference No.** RN101609089

**Media [Statute]** Water Quality

**Enf. Coordinator** Merrilee Hupp

**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>	14	70%
	Other written NOVs	0	0%
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)** 70%

>> **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 received five NOVs for same or similar violations and self-reported nine effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 70%

**Screening Date** 18-Jul-2008 **Docket No.** 2008-1169-MWD-E **PCW**

**Respondent** Harris County Municipal Utility District No. 24 *Policy Revision 2 (September 2002)*

**Case ID No.** 36245 *PCW Revision June 12, 2008*

**Reg. Ent. Reference No.** RN101609089

**Media [Statute]** Water Quality

**Enf. Coordinator** Merrilee Hupp

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(4) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011988001, Permit Conditions 2.d

**Violation Description**  
Failed to minimize or prevent any discharge or sludge disposal which has a reasonable likelihood of adversely affecting the environment. Specifically, the clarifier drive at the Facility had failed, resulting in the discharge of between one and twelve inches of sludge from the outfall to a point 800 feet downstream of the outfall.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>			Percent <input type="text" value="50%"/>
	Major	Moderate	Minor	
	Actual <input type="text"/>	x	<input type="text"/>	
	Potential <input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
Falsification <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	x
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended from the April 29, 2008 investigation date to the May 12, 2008 date of compliance.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes** The Respondent stopped the discharge of sludge and removed the sludge from the clarifier, chlorine contact basin, and receiving stream by May 12, 2008.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

**Respondent:** Harris County Municipal Utility District No. 24  
**Case ID No.:** 36245  
**Reg. Ent. Reference No.:** RN101609089  
**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
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No commas or \$

**Delayed Costs**

Equipment	\$150,313	3-Mar-2008	12-May-2008	0.19	\$96	\$1,922	\$2,018
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	\$77,962	3-Mar-2008	12-May-2008	0.19	\$748	n/a	\$748
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost for the installation and rental of temporary pumps in the clarifier, vacuum trucks, sludge hauling, the manufacturing, shipping, and installation of a new clarifier drive, and the cleaning of the clarifier surface, chlorine contact chamber, and receiving stream. Date required is the date the clarifier drive failed, resulting in the discharge of sludge, and the final date is the date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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**

<b>Approx. Cost of Compliance</b>	\$228,275	<b>TOTAL</b>	\$2,765
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<b>Screening Date</b> 18-Jul-2008	<b>Docket No.</b> 2008-1169-MWD-E	<b>PCW</b>
<b>Respondent</b> Harris County Municipal Utility District No. 24	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36245	<small>PCW Revision June 12, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101609089		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Merrilee Hupp		
<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011988001, Effluent Limitations and Monitoring Requirements No. 1	
<b>Violation Description</b>	Failed to maintain compliance with permitted effluent limitations, as shown in the attached Effluent Violation Table.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	x	
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="25%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>

**Matrix Notes**  
 A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and flow were also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment**

**Violation Events**

**Number of Violation Events**   **Number of violation days**

<small>mark only one with an x</small>	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**

Three quarterly events are recommended.

**Good Faith Efforts to Comply**  **Reduction**

	<b>Extraordinary</b>	Before NOV	NOV to EDRP/Settlement Offer
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Ordinary</b>	<input type="text"/>	<input type="text"/>
	N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**  **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 24  
**Case ID No.** 36245  
**Reg. Ent. Reference No.** RN101609089  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-May-2007	15-Feb-2009	1.72	\$43	n/a	\$43

**Notes for DELAYED costs**

Estimated cost associated with determining and maintaining the level of solids in the aeration basin necessary to maintain ammonia-nitrogen as well as total suspended solids concentrations within permitted limits. Estimated cost also includes additional monitoring to determine the cause of any other effluent noncompliances. Estimated costs for the ammonia-nitrogen excursions resulting from clarifier drive failure are covered under Violation No. 1. Date required is the first noncompliance documented during the investigation and the final date is when compliance is expected to be achieved.

**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 \$500

**TOTAL** \$43

<b>Screening Date</b> 18-Jul-2008	<b>Docket No.</b> 2008-1169-MWD-E	<b>PCW</b>				
<b>Respondent</b> Harris County Municipal Utility District No. 24	<i>Policy Revision 2 (September 2002)</i>					
<b>Case ID No.</b> 36245	<i>PCW Revision June 12, 2008</i>					
<b>Reg. Ent. Reference No.</b> RN101609089						
<b>Media [Statute]</b> Water Quality						
<b>Enf. Coordinator</b> Merrilee Hupp						
<b>Violation Number</b> 3						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 7.c.					
<b>Violation Description</b>	Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the daily average ammonia-nitrogen effluent violations for the month of March 2008 which were over 40 percent of the permitted limit.					
<b>Base Penalty</b>		\$10,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>			<b>Percent</b>	<input type="text" value="0%"/>	
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>			<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>						
			<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
			<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b>			<input type="text" value="25%"/>
<b>Matrix Notes</b>	100% of the requirement was not met.					
<b>Adjustment</b>					\$7,500	
					\$2,500	
<b>Violation Events</b>						
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>		<input type="text" value="107"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input checked="" type="checkbox"/>				
<b>Violation Base Penalty</b>					\$2,500	
One single event is recommended.						
<b>Good Faith Efforts to Comply</b>			<b>Reduction</b>		\$0	
			<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>		
Extraordinary			<input type="text"/>	<input type="text"/>		
Ordinary			<input type="text"/>	<input type="text"/>		
N/A			<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>			The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>					\$2,500	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>			<input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b>		
			<input type="text" value="\$4,250"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$4,250	

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 24  
**Case ID No.** 36245  
**Reg. Ent. Reference No.** RN101609089  
**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
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	31-Mar-2008	15-Jan-2009	0.79	\$4	n/a	\$4

**Notes for DELAYED costs** Estimated cost to update the Facility's operational guidance and conduct training to ensure noncompliance notices are properly submitted. Date required is the date of the violation and the final date is when compliance is expected to be achieved.

### 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 \$100

**TOTAL** \$4

<b>Screening Date</b> 18-Jul-2008	<b>Docket No.</b> 2008-1169-MWD-E	<b>PCW</b>												
<b>Respondent</b> Harris County Municipal Utility District No. 24	<small>Policy Revision 2 (September 2002)</small>													
<b>Case ID No.</b> 36245	<small>PCW Revision June 12, 2008</small>													
<b>Reg. Ent. Reference No.</b> RN101609089														
<b>Media [Statute]</b> Water Quality														
<b>Enf. Coordinator</b> Merrilee Hupp														
<b>Violation Number</b> 4														
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(17) and 319.7(c) and TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 1													
<b>Violation Description</b>	Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending September 30, 2007, November 30, 2007, December 31, 2007, January 31, 2008, February 29, 2008, and March 31, 2008.													
<b>Base Penalty</b>		\$10,000												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Harm</b>													
	Major	Moderate	Minor											
Release	Actual	Potential	<b>Percent</b> 0%											
<b>&gt;&gt; Programmatic Matrix</b>														
<b>Falsification</b>														
Major      Moderate      Minor														
x			<b>Percent</b> 1%											
<b>Matrix Notes</b>	Over 70% of the requirement was met.													
<b>Adjustment</b>		\$9,900												
<b>\$100</b>														
<b>Violation Events</b>														
<b>Number of Violation Events</b> 6		<b>Number of violation days</b> 215												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> \$600
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													
Six single events are recommended (one for each DMR).														
<b>Good Faith Efforts to Comply</b>		<b>\$0</b>												
		<b>Reduction</b>												
		Before NOV      NOV to EDPRP/Settlement Offer												
Extraordinary														
Ordinary														
N/A	x	(mark with x)												
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.													
<b>Violation Subtotal</b>		\$600												
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b>	\$19	<b>Violation Final Penalty Total</b> \$1,020												
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,020												

### Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 24  
**Case ID No.** 36245  
**Reg. Ent. Reference No.** RN101609089  
**Media** Water Quality  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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)	\$300	20-Oct-2007	15-Jan-2009	1.24	\$19	n/a	\$19

**Notes for DELAYED costs**

Estimated cost for submitting six DMRs or DMR data to update the Facility's operational guidance and conduct training to ensure proper submittal of DMRs. Date required is the first DMR due date and final date is the date compliance is expected to be achieved.

**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**

<b>Approx. Cost of Compliance</b>	<b>\$300</b>	<b>TOTAL</b>	<b>\$19</b>
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Harris County Municipal Utility District No. 24  
 RN101609089  
 Case No. 36245  
 Docket No. 2008-1169-MWD-E

Effluent Violation Table

Month/Year	Daily Avg. NH <sub>3</sub> -N Loading (lbs/day) limit = 25	Daily Avg. NH <sub>3</sub> -N Concentration (mg/L) limit= 3.0	Daily Maximum NH <sub>3</sub> -N Concentration (mg/L) limit = 10	Daily Maximum TSS Concentration (mg/L) limit = 40
May 2007	c	3.53	c	c
September 2007	c	c	c	46.4
March 2008	36.39	5.67	14.0	c

c: compliant  
 avg.: average

NH<sub>3</sub>-N: ammonia-nitrogen  
 mg/L: milligrams per liter

TSS: total suspended solids  
 lbs/day: pounds per day



## Compliance History

Customer/Respondent/Owner-Operator: Harris County Municipal Utility District Classification: AVERAGE Rating: 1.52  
CN600738132

Regulated Entity: RN101609089 HARRIS CO MUD 24 Classification: AVERAGE Site Rating: 0.78  
ID Number(s): WASTEWATER PERMIT WQ0011988001  
WASTEWATER PERMIT TPDES0076856  
WASTEWATER PERMIT TX0076856  
WASTEWATER LICENSING LICENSE WQ0011988001

Location: 450 feet N. of the intersec. of Theisswood Rd. and Theiss Gully Rating Date: 9/1/2007  
Harris County, Texas

Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 16, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 16, 2003 to July 16, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Merrilee G. Hupp Phone: 512-239-4490

### 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 07/25/2003 (203062)
- 2 08/04/2003 (148474)
- 3 08/26/2003 (314362)
- 4 10/07/2003 (314364)
- 5 10/24/2003 (314366)
- 6 10/31/2003-(314369)
- 7 11/25/2003 (314367)
- 8 12/22/2003 (314368)
- 9 03/23/2004 (314354)
- 10 03/30/2004 (314352)
- 11 04/29/2004 (314355)
- 12 06/01/2004 (314357)
- 13 07/14/2004 (314359)
- 14 07/21/2004 (359929)
- 15 08/31/2004 (359930)
- 16 09/23/2004 (359931)
- 17 10/29/2004 (359932)
- 18 11/15/2004 (359934)
- 19 11/29/2004 (359933)
- 20 01/03/2005 (386264)

21 02/22/2005 (386262)  
22 03/28/2005 (386263)  
23 05/03/2005 (424164)  
24 06/09/2005 (424165)  
25 06/14/2005 (379186)  
26 06/28/2005 (424166)  
27 07/28/2005 (424167)  
28 08/24/2005 (444952)  
29 10/04/2005 (444953)  
30 10/28/2005 (444954)  
31 11/28/2005 (475908)  
32 01/03/2006 (475909)  
33 03/03/2006 (475906)  
34 03/03/2006 (475910)  
35 03/21/2006 (475907)  
36 05/02/2006 (503149)  
37 06/23/2006 (503150)  
38 09/18/2006 (531042)  
39 09/29/2006 (525495)  
40 09/29/2006 (525496)  
41 09/29/2006 (525497)  
42 12/29/2006 (593315)  
43 01/31/2007 (585321)  
44 01/31/2007 (585323)  
45 01/31/2007 (585324)  
46 06/15/2007 (585317)  
47 06/15/2007 (585318)  
48 06/15/2007 (585319)  
49 06/15/2007 (585322)  
50 06/15/2007 (585325)  
51 07/11/2007 (604553)  
52 07/11/2007 (585320)  
53 08/14/2007 (593314)  
54 08/24/2007 (604554)  
55 08/29/2007 (604555)  
56 09/24/2007 (604556)  
57 09/26/2007 (607407)  
58 10/24/2007 (604557)  
59 11/07/2007 (623649)  
60 02/11/2008 (679848)  
61 03/18/2008 (674887)  
62 03/18/2008 (674888)  
63 06/27/2008 (654728)

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

Date: 01/31/2004 (314352)

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: 11/30/2004 (386264)

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: 10/31/2005 (475908)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

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

Date: 12/31/2005 (475910)

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: 09/18/2006 (531042)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 11/30/2006 (585324)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

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

Date: 12/29/2006 (593315)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2007 (585318)

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: 05/31/2007 (604553)

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: 08/14/2007 (593314)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/26/2007 (607407)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2007 (604557)

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: 02/11/2008 (679848)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2008

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. 24  
RN101609089

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2008-1169-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. 24 ("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 Ms. Gindi Eckel Vincent of the law firm of Pillsbury, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located 450 feet north of the intersection of Theisswood Road and Theiss Gully 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 July 2, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Five Thousand Two Hundred Seventy Dollars (\$25,270) is assessed by the Commission in settlement of the violations alleged in Section II



("Allegations"). Five Thousand Fifty-Four Dollars (\$5,054) 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. Twenty Thousand Two Hundred Sixteen Dollars (\$20,216) 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. By May 12, 2008, rented and installed temporary pumps in the clarifier to pump sludge back into the aeration basins, brought in vacuum trucks to skim the sludge off the top of the clarifier, ordered and installed a new clarifier drive, increased the sludge hauling frequency, and cleaned the chlorine contact chamber and receiving stream impacted by the unauthorized discharge;
  - b. By May 22, 2008, submitted discharge monitoring reports ("DMRs") for the monitoring periods ending September 30, 2007, November 30, 2007, December 31, 2007, January 31, 2008, February 29, 2008, and March 31, 2008; and
  - c. On July 23, 2008, submitted a noncompliance notification for the March 2008 daily average ammonia-nitrogen excursions which exceeded the permit limitations by at least 40 percent.
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 minimize or prevent any discharge or sludge disposal which has a reasonable likelihood of adversely affecting the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011988001, Permit Conditions 2.d, as documented during an investigation conducted on April 29, 2008. Specifically, the clarifier drive at the Facility had failed, resulting in the discharge of between one and twelve inches of sludge from the outfall to a point 800 feet downstream of the outfall.
2. Failed to maintain compliance with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011988001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on April 29, 2008 and shown in the table below:

Month/Year	Daily Avg. NH <sub>3</sub> -N Loading (lbs/day) limit = 25	Daily Avg. NH <sub>3</sub> -N Concentration (mg/L) limit= 3.0	Daily Maximum NH <sub>3</sub> -N Concentration (mg/L) limit = 10	Daily Maximum TSS Concentration (mg/L) limit = 40
May 2007	c	3.53	c	c
September 2007	c	c	c	46.4
March 2008	36.39	5.67	14.0	c

c: compliant  
avg.: average

NH<sub>3</sub>-N: ammonia-nitrogen  
mg/L: milligrams per liter

TSS: total suspended solids  
lbs/day: pounds per day

3. Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on April 29, 2008. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the daily average NH<sub>3</sub>-N effluent violations for the month of March 2008 which were over 40 percent of the permitted limit.
4. Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending September 30, 2007, November 30, 2007, December 31, 2007, January 31, 2008, February 29, 2008, and March 31, 2008, in violation of 30 TEX. ADMIN. CODE §§ 319.7(c) and 305.125(17) and TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on April 29, 2008.

### 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. 24, Docket No. 2008-1169-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 an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty Thousand Two Hundred Sixteen Dollars (\$20,216) 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, develop regulatory and permitting guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports; and that all reporting procedures are properly accomplished, including procedures to ensure that written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ, in accordance with TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements Nos. 1 and 7.c;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the certification language described in 3.c below; and
  - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011988001, 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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 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.
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.



Harris County Municipal Utility District No. 24  
DOCKET NO. 2008-1169-MWD-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Saelle  
\_\_\_\_\_  
For the Executive Director

11/27/2009  
\_\_\_\_\_  
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.

Ruben Gonzalez Jr  
\_\_\_\_\_  
Signature

10-15-08  
\_\_\_\_\_  
Date

RUBEN GONZALES JR  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Harris County Municipal Utility District No. 24

PRESIDENT BOD  
\_\_\_\_\_  
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: 2008-1169-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Harris County Municipal Utility District No. 24  
**Payable Penalty Amount:** Twenty Thousand Two Hundred Sixteen Dollars (\$20,216)  
**SEP Amount:** Twenty Thousand Two Hundred Sixteen Dollars (\$20,216)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Gulf Coast Waste Disposal Authority ("GCWDA")-River, Lakes, Bays 'N Bayous Trash Bash  
**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 will contribute to Gulf Coast Waste Disposal Authority ("GCWDA") for its River, Lakes, Bays 'N Bayous Trash Bash in Harris County. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the GCWDA and TCEQ. Specifically, the contribution will be used to pay for materials, supplies, disposal costs, and transportation costs directly associated with the cleanup of trash and pollutants from the Galveston Bay and the San Jacinto watershed.

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 removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.

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:

Lori Gernhardt  
Gulf Coast Waste Disposal Authority  
910 Bay Area Boulevard  
Houston, Texas 77058

**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 the 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:

Office of Legal Services  
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.

