

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0318-MWD-E **TCEQ ID:** RN102955549 **CASE NO.:** 37246

RESPONDENT NAME: Harris County Municipal Utility District No. 249

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 Municipal Utility District No. 249, 931 East Cypresswood Drive, approximately 1,500 feet south-southwest of the confluence of Wunsche Gully and Lemm Gully, approximately 3,000 feet east of Interstate Highway 45 and approximately 3,800 feet west of the Hardy Toll Road, Spring, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 June 22, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Norman Adamek, President, Board of Directors, Harris County Municipal Utility District No. 249, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056 Mr. Doug Haude, Board President, Harris County Municipal Utility District No. 249, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056 Respondent's Attorney: Mr. Chris Skinner of the law firm of Schwartz, Page, and Harding, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: September 4, 2008</p> <p>Date of NOE Relating to this Case: February 26, 2009 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failure to comply with permitted effluent limits for ammonia nitrogen and five-day carbonaceous biochemical oxygen demand [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013765001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$1,100</p> <p>Total Deferred: \$220 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$880</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) Repaired the leak in the air line on March 5, 2008;</p> <p>b) Replaced the worn blower belt on April 15, 2008; and</p> <p>c) Returned into compliance with the permitted effluent limits by June 1, 2008.</p>

Additional ID No(s): TPDES Permit No. WQ0013765001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	3-Mar-2009			
	PCW	6-Mar-2009	Screening	4-Mar-2009	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Harris County Municipal Utility District No. 249
Reg. Ent. Ref. No.	RN102955549
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37246	No. of Violations	1
Docket No.	2009-0318-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	J. Craig Fleming
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **35.0%** Enhancement *Subtotals 2, 3, & 7* **\$350**

Notes: An enhancement is recommended for having six self-reported effluent violations, and one NOV with same/similar 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* **\$250**

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

Total EB Amounts **\$58**
Approx. Cost of Compliance **\$3,300**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,100**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,100**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,100**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$220**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$880**

Screening Date 4-Mar-2009

Docket No. 2009-0318-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 249

Policy Revision 2 (September 2002)

Case ID No. 37246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102955549

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

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)	7	35%
	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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

An enhancement is recommended for having six self-reported effluent violations, and one NOV with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 4-Mar-2009

Docket No. 2009-0318-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 249

Policy Revision 2 (September 2002)

Case ID No. 37246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102955549

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013765001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits. Specifically, the Respondent exceeded the permitted effluent limits for the months of March and April 2008, as documented in a record review conducted on September 4, 2008. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	10%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

A simplified model was utilized to evaluate the values for NH3-N, CBOD, and flow to determine whether the discharge amount of pollutants exceeded the levels protective of human health or environmental receptors. The amounts discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent came into compliance by June 1, 2008.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$58

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent: Harris County Municipal Utility District No. 249
Case ID No.: 37246
Reg. Ent. Reference No.: RN102955549
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	\$3,300	1-Mar-2008	1-Jun-2008	0.25	\$3	\$55	\$58
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: The estimated costs to repair the leak in the air line (\$800) on March 5, 2008 and to replace the worn blower belt (\$2,500) on April 15, 2008. The Date Required was the first day of the DMR exceedances. 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: N/A

Approx. Cost of Compliance	\$3,300	TOTAL	\$58
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Harris County Municipal Utility District No. 249
Docket No. 2009-0318-MWD-E
TPDES Permit No. WQ0013765001

Effluent Violation Table					
Permitted Effluent Limits	Parameters Monitored				
	Ammonia Nitrogen Daily Avg. Loading 13 lbs/day	Ammonia Nitrogen Daily Avg. Conc. 2 mg/L	Ammonia Nitrogen Daily Max. Conc. 10 mg/L	CBOD Daily Avg. Conc. 7 mg/L	CBOD Daily Avg. Max. 17 mg/L
March 2008	14.04	7.76	22.60	8.7	22.9
April 2008	C	2.16	16.30	C	C

CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)	Conc. = Concentration	C = Compliant	Avg. = Average
Max. = Maximum	mg/L = milligrams per Liter	lbs/day = pounds per day	

Compliance History Report

Customer/Respondent/Owner-Operator: CN600738413 Harris County Municipal Utility District 249 Classification: AVERAGE Rating: 0.22

Regulated Entity: RN102955549 HARRIS COUNTY MUD 249 Classification: AVERAGE Site Rating: 0.44

ID Number(s): WASTEWATER PERMIT WQ0013765001
WASTEWATER EPA ID TX0116068
WASTEWATER LICENSING LICENSE WQ0013765001

Location: 931 E. CYPRESWOOD DRIVE, SPRING, TEXAS, APPROX 1500 FEET SOUTH-SOUTHWEST OF THE CONFLUENCE OF WUNSCH GULLY AND LEMM GULLY, APPROXIMATELY 3,000 FEET EAST OF INTERSTATE HIGHWAY 45 & APPROXIMATELY 3,800 FEET WEST OF THE HARDY TOLL ROAD IN THE NORTHERN PORTION OF HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 04, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 04, 2004 to March 04, 2009

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

Name: J. Craig Fleming Phone: 239 - 5806

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
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 03/22/2004 (325451)
 - 2 04/26/2004 (389451)
 - 3 05/24/2004 (389452)
 - 4 06/24/2004 (389453)
 - 5 07/22/2004 (389454)
 - 6 08/30/2004 (389455)
 - 7 09/24/2004 (389456)
 - 8 10/25/2004 (389457)
 - 9 11/24/2004 (389458)
 - 10 12/27/2004 (389459)
 - 11 01/24/2005 (389460)

12	02/22/2005	(389449)
13	03/14/2005	(373123)
14	03/21/2005	(389450)
15	04/22/2005	(427007)
16	05/23/2005	(427008)
17	06/24/2005	(427009)
18	07/25/2005	(427010)
19	08/22/2005	(447163)
20	09/28/2005	(447164)
21	10/24/2005	(491493)
22	11/21/2005	(491494)
23	12/27/2005	(491495)
24	01/23/2006	(491496)
25	02/23/2006	(491491)
26	03/22/2006	(491492)
27	04/24/2006	(505796)
28	05/17/2006	(505797)
29	06/16/2006	(505798)
30	07/19/2006	(505799)
31	08/17/2006	(528044)
32	09/11/2006	(528045)
33	10/16/2006	(528046)
34	11/15/2006	(630240)
35	12/18/2006	(630242)
36	01/18/2007	(630244)
37	02/17/2007	(630232)
38	03/14/2007	(630233)
39	04/18/2007	(630234)
40	05/15/2007	(630235)
41	06/17/2007	(630236)
42	07/17/2007	(630237)
43	08/09/2007	(630238)
44	10/19/2007	(630239)
45	11/15/2007	(630241)
46	12/17/2007	(630243)
47	01/17/2008	(630245)
48	02/12/2008	(676935)
49	03/19/2008	(676936)
50	03/20/2008	(676938)
51	04/22/2008	(676937)
52	05/02/2008	(638404)
53	05/20/2008	(695568)
54	06/17/2008	(695569)
55	07/16/2008	(695570)
56	08/29/2008	(717104)
57	09/20/2008	(717105)
58	10/20/2008	(717106)
59	11/20/2008	(732486)
60	01/19/2009	(732487)
61	02/26/2009	(702060)

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

Date: 07/31/2004 (389455)

CN600738413

Self 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: 12/31/2004 (389460) CN600738413
Self 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: 02/28/2005 (389450) CN600738413
Self YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2006 (505796) CN600738413
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2008 (676937) CN600738413
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: 04/30/2008 (695568) CN600738413
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: 05/01/2008 (638404) CN600738413
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)

Description: Failure to properly operate the chlorine contact chamber.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 317 317.7(e)
Description: Failure to properly secure the facility. Several holes were noted in the fence at the time of the investigation.

Self Report? NO Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)

Description: Failure to properly operate and maintain the plant to prevent the discharge of sludge into the receiving stream. At the time of the investigation, sludge was noted in the receiving stream approximately 10 yards downstream of the outfall.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to construct the V-notch weir as required. The V-notch weir was installed in a manner that did not allow sufficient ventilation to provide near atmospheric pressure beneath the nappe.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR Page 5 No. 5 PERMIT

Description: Failure to ensure flow measurement accuracy.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 317 317.7(d)

Description: Failure to provide signs on non-potable faucets within the facility.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 13765-001, FEL&MR No. 1 PERMIT
Description: Failure to maintain compliance with effluent permit limits. The grab sample collected during the investigation was noncompliant for carbonaceous biochemical oxygen demand (cBOD) and ammonia nitrogen (NH3N).

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. 249
RN102955549

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0318-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. 249 ("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 Chris Skinner of the law firm of Schwartz, Page, and Harding, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility at 931 East Cypresswood Drive, approximately 1,500 feet south-southwest of the confluence of Wunsche Gully and Lemm Gully, approximately 3,000 feet east of Interstate Highway 45 and approximately 3,800 feet west of the Hardy Toll Road in Spring, Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 3, 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 One Thousand One Hundred Dollars (\$1,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Hundred Eighty Dollars (\$880) of the administrative penalty and Two Hundred Twenty Dollars (\$220) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Repaired the leak in the air line on March 5, 2008;
 - b. Replaced the worn blower belt on April 15, 2008; and
 - c. Returned into compliance with the permitted effluent limits by June 1, 2008.
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 of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013765001, Effluent Limitations and Monitoring Requirements No. 1, as documented in a record review conducted on September 4, 2008, and shown in the following table.

Effluent Violation Table					
Permitted Effluent Limits	Effluents Monitored				
	Ammonia Nitrogen Daily Avg. Loading 13 lbs/day	Ammonia Nitrogen Daily Avg. Conc. 2 mg/L	Ammonia Nitrogen Daily Max. Conc. 10 mg/L	CBOD Daily Avg. Conc. 7 mg/L	CBOD Daily Avg. Max. 17 mg/L
March 2008	14.04	7.76	22.60	8.7	22.9
April 2008	C	2.16	16.30	C	C

CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)	Conc. = Concentration	C = Compliant	Avg. = Average
Max. = Maximum	mg/L= milligrams per Liter	lbs/day = pounds per day	

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. 249, Docket No. 2009-0318-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the 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.
3. 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.

4. 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.
5. 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 Srdelin
For the Executive Director

5/20/2009
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.

Norman P. Adams
Signature

April 16, 2009
Date

Norman Adams
Name (Printed or typed)
Authorized Representative of
Harris County Municipal Utility District No. 249

President, Board of
Directors
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.

