

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0346-MWD-E **TCEQ ID:** RN102894409 **CASE NO.:** 37275

RESPONDENT NAME: Harris County Municipal Utility District No. 130

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Harris County MUD 130 Wastewater Treatment Plant, located approximately 0.5 mile south of United States Highway 290 and approximately one mile east of Jack Rabbit Road, Harris County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 6, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Marc Webster, President, Harris County Municipal Utility District No. 130, c/o Fulbright & Jaworski, L.L.P., 1301 McKinney Street, 47th Floor, Houston, Texas 77010 Respondent's Attorney: Ms. Heather De La Garza, Fulbright & Jaworski L.L.P., 1301 McKinney Street, 47th Floor, Houston, Texas 77010</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 17, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 26, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with the permitted effluent limitations for ammonia nitrogen, total chlorine, and carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012574001, Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Total Assessed: \$5,800</p> <p>Total Deferred: \$1,160 <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: \$4,640</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. During September 2008, replaced the Facility's belts and blowers; and</p> <p>b. During October 2008, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0012574001.</p>

Additional ID No(s): WQ0012574001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Mar-2009	Screening	10-Mar-2009	EPA Due	
	PCW	10-Mar-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Harris County Municipal Utility District No. 130		
Reg. Ent. Ref. No.	RN102894409		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37275	No. of Violations	1
Docket No.	2009-0346-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lauren Smitherman
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 70.0% Enhancement Subtotals 2, 3, & 7 \$2,800

Notes: Enhancement due to 13 monthly self-reported effluent violations and one NOV for same or 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 \$1,000

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$0
Approx. Cost of Compliance	\$0

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$5,800

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$5,800

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,800

DEFERRAL 20.0% Reduction Adjustment -\$1,160

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 \$4,640

Screening Date 10-Mar-2009

Docket No. 2009-0346-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 130

Policy Revision 2 (September 2002)

Case ID No. 37275

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102894409

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

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)	14	70%
	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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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

Enhancement due to 13 monthly self-reported effluent violations and one NOV for same or similar violations.

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

Screening Date 10-Mar-2009	Docket No. 2009-0346-MWD-E	PCW														
Respondent Harris County Municipal Utility District No. 130	<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37275	<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No. RN102894409																
Media [Statute] Water Quality																
Enf. Coordinator Lauren Smitherman																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012574001, Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 2															
Violation Description	Failed to comply with the permitted effluent limitations, as documented during a record review on September 17, 2008, and shown in the attached effluent table.															
Base Penalty		<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Major Moderate Minor															
	Actual <input type="text"/> <input type="text"/> <input type="text"/>	X														
Potential <input type="text"/> <input type="text"/> <input type="text"/>		Percent <input type="text" value="10%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>														
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total residual chlorine was also evaluated. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.															
Adjustment		<input type="text" value="\$9,000"/>														
		<input type="text" value="\$1,000"/>														
Violation Events																
Number of Violation Events	<input type="text" value="4"/>	<input type="text" value="149"/> Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">X</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<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 <input type="text" value="\$4,000"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	X															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
Four quarterly events are recommended.																
Good Faith Efforts to Comply		<input type="text" value="\$1,000"/>														
	25.0% Reduction															
	Before NOV NOV to EDPRP/Settlement															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	X	<input type="text"/>														
N/A	<small>(mark with x)</small>															
Notes	The Respondent achieved compliance during October 2008.															
Violation Subtotal		<input type="text" value="\$3,000"/>														
Economic Benefit (EB) for this violation		Statutory Limit Test														
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$5,800"/>														
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,800"/>														

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 130
Case ID No. 37275
Reg. Ent. Reference No. RN102894409
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				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost to replace the Facility's blowers and belts is estimated at \$9,000. The parts and labor were covered under warranty, therefore, no economic benefit is assessed.

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

\$0

TOTAL

\$0

**Effluent Violation Table
Harris County MUD No. 130
Docket No. 2009-0346-MWD-E**

	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Daily Max. Conc.	Total Cl Residual Monthly Max.	CBOD ₅ Daily Avg. Conc.	CBOD ₅ Daily Max. Conc.
Months	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 4 mg/L	Limit = 10 mg/L	Limit = 25 mg/L
9/30/2007	5.74	12.7	c	c	c
11/30/2007	N/A	14.5	c	c	c
2/29/2008	N/A	c	4.09	c	c
4/30/2008	6.89	28.9	c	c	c
6/30/2008	4.92	29.0	c	10.3	35.2
c = compliant			conc. = concentration		
avg. = average			mg/L = milligrams per liter		
max. = maximum			NH ₃ -N = ammonia nitrogen		
CBOD ₅ = carbonaceous biochemical oxygen demand			Cl = chlorine		
			N/A = Seasonal limit of 5 mg/L		

Compliance History Report

Customer/Respondent/Owner-Operator: CN600736474 Harris County Municipal Utility District No. 130 Classification: AVERAGE Rating: 1.81
Regulated Entity: RN102894409 HARRIS COUNTY MUD 130 WASTEWATER TREATMENT PLANT Classification: AVERAGE Site Rating: 0.62

ID Number(s): WASTEWATER PERMIT WQ0012574001
WASTEWATER PERMIT TPDES0091316
WASTEWATER PERMIT TX0091316
WASTEWATER LICENSING LICENSE WQ0012574001

Location: APPRX 0.5 M S OF US HWY 290
AND APPRX 1 M E OF JACK RABBIT
ROAD IN HARRIS CO, TX

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 06, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 06, 2004 to March 06, 2009

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

Name: Lauren Smitherman Phone: 512-239-5223

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	(318642)
2	04/26/2004	(361968)
3	05/24/2004	(361969)
4	06/24/2004	(361970)
5	07/22/2004	(361971)
6	08/30/2004	(361972)
7	09/24/2004	(361973)
8	10/17/2004	(361974)
9	11/29/2004	(387444)
10	12/21/2004	(361975)

11	01/24/2005	(387445)
12	02/22/2005	(387442)
13	03/21/2005	(387443)
14	04/22/2005	(425179)
15	05/23/2005	(425180)
16	06/24/2005	(425181)
17	07/25/2005	(425182)
18	08/11/2005	(404188)
19	08/22/2005	(445780)
20	09/28/2005	(445781)
21	10/24/2005	(477663)
22	11/21/2005	(477664)
23	12/27/2005	(477665)
24	01/23/2006	(477666)
25	02/23/2006	(477661)
26	03/22/2006	(477662)
27	04/21/2006	(504148)
28	05/17/2006	(504149)
29	06/16/2006	(504150)
30	07/06/2006	(466156)
31	07/17/2006	(486854)
32	07/18/2006	(504151)
33	07/24/2006	(488128)
34	08/17/2006	(526529)
35	09/14/2006	(526530)
36	10/16/2006	(526531)
37	11/15/2006	(625696)
38	12/18/2006	(625698)
39	01/18/2007	(625700)
40	02/17/2007	(625687)
41	03/14/2007	(625688)
42	04/19/2007	(625689)
43	05/15/2007	(625690)
44	06/18/2007	(625691)
45	07/11/2007	(563001)
46	07/13/2007	(625692)
47	08/09/2007	(625693)
48	09/18/2007	(625694)
49	10/10/2007	(596489)
50	10/19/2007	(625695)
51	11/13/2007	(625697)
52	12/16/2007	(625699)
53	01/15/2008	(625701)
54	02/12/2008	(675729)
55	03/18/2008	(675730)
56	04/17/2008	(675731)
57	05/18/2008	(694076)
58	06/17/2008	(694077)
59	07/22/2008	(694078)
60	08/29/2008	(715424)
61	09/20/2008	(715425)
62	10/20/2008	(715426)
63	11/20/2008	(731211)
64	12/18/2008	(731212)
65	01/20/2009	(731213)
66	02/26/2009	(703133)

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

Date: 04/30/2005 (425180) CN600736474
N/A Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (425182) CN600736474
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (477663) CN600736474
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (625687) CN600736474
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: 03/31/2007 (625689) CN600736474
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (625691) CN600736474
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: 07/10/2007 (563001) CN600736474
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)
Description: Failure to properly operate and maintain the chlorine contact chamber.

Self Report? NO Classification: Major
Citation: TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
Description: Failure to prevent the unauthorized discharge of sludge.

Date: 09/30/2007 (625695) CN600736474
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (625699) CN600736474
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: 02/29/2008 (675730) CN600736474
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 (694076) CN600736474
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: 06/30/2008 (694078) CN600736474
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: 07/31/2008 (715424) CN600736474
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: 09/30/2008 (715426) CN600736474
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. 130
RN102894409

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0346-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. 130 ("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 Heather De La Garza of the law firm of Fulbright & Jaworski L.L.P., appear before the Commission and together stipulate that:

1. The Respondent owns a domestic wastewater treatment plant located approximately 0.5 mile south of United States Highway 290 and approximately one mile east of Jack Rabbit Road in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 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 Five Thousand Eight Hundred Dollars (\$5,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Six Hundred Forty Dollars (\$4,640) of the administrative penalty and One Thousand One Hundred Sixty Dollars (\$1,160) 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. During September 2008, replaced the Facility's belts and blowers; and
 - b. During October 2008, returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012574001.
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 the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012574001, Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on September 17, 2008, and shown in the following effluent table:

EFFLUENT VIOLATION TABLE					
	NH₃-N Daily Avg. Conc.	NH₃-N Daily Max. Conc.	Total Cl Residual Monthly Max.	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.
Months	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 4 mg/L	Limit = 10 mg/L	Limit = 25 mg/L
9/30/2007	5.74	12.7	c	c	c
11/30/2007	N/A	14.5	c	c	c
2/29/2008	N/A	c	4.09	c	c
4/30/2008	6.89	28.9	c	c	c
6/30/2008	4.92	29.0	c	10.3	35.2
c = compliant			conc. = concentration		
avg. = average			mg/L = milligrams per liter		
max. = maximum			NH ₃ -N = ammonia nitrogen		
CBOD5 = carbonaceous biochemical oxygen demand			Cl = chlorine		
			N/A = Seasonal limit of 5 mg/L		

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. 130, Docket No. 2009-0346-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.

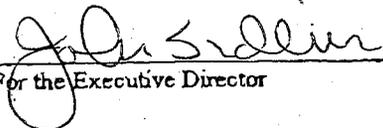
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted 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.

Harris County Municipal Utility District No. 130
DOCKET NO. 2009-0346-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

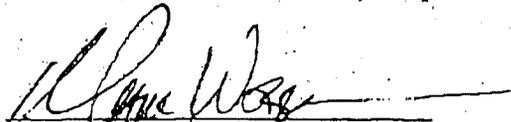
6/3/2009
Date

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.


Signature

5/12/09
Date

MARK WEBSTER
Name (Printed or typed)
Authorized Representative of
Harris County Municipal Utility District No. 130

PRESIDENT
Title

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

