

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2010-1198-MWD-E **TCEQ ID:** RN102095205 **CASE NO.:** 40086**RESPONDENT NAME:** Montgomery County Water Control and Improvement District No. 1

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: Montgomery County Water Control and Improvement District No. 1, located approximately 11 miles south of Conroe, three miles west of the Interstate Highway 45 crossing of Spring Creek and at the south end of Glen Loch Drive in the Timber Ridge-Timber Lake subdivision, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 15, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jackie W. Chance, Sr., General Manager, Montgomery County Water Control and Improvement District No. 1, P.O. Box 7690, The Woodlands, Texas 77387 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

RESPONDENT NAME: Montgomery County Water Control and Improvement District No. 1
DOCKET NO.: 2010-1198-MWD-E

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: July 7, 2010</p> <p>Date of NOE Relating to this Case: July 21, 2010 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for ammonia nitrogen and chlorine [Texas Pollutant Discharge Elimination System Permit No. WQ0010857001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$3,450</p> <p>Total Deferred: \$690 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,760</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 re-built the Facility's bacterial colonies to stabilize the system, stopped receiving wastewater from the suspected source of contamination, and returned to compliance with permitted effluent limits by May 1, 2010.</p>

Additional ID No(s): WQ0010857001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	26-Jul-2010	Screening	26-Jul-2010	EPA Due	
	PCW	29-Jul-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Montgomery County Water Control and Improvement District No. 1
Reg. Ent. Ref. No.	RN102095205
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40086	No. of Violations	1
Docket No.	2010-1198-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		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: **\$3,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40.0% Enhancement Subtotals 2, 3, & 7: **\$1,200**

Notes: Enhancement for two NOVs with the same/similar violations and for six months of self-reported 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: **\$750**

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

Total EB Amounts: \$117
 Approx. Cost of Compliance: \$4,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal: **\$3,450**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment:

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount: **\$3,450**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty: **\$3,450**

DEFERRAL 20.0% Restriction Adjustment: **-\$690**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$2,760**

Screening Date 26-Jul-2010

Docket No. 2010-1198-MWD-E

PCW

Respondent Montgomery County Water Control and Improvement Dis

Policy Revision 2 (September 2002)

Case ID No. 40086

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095205

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> 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 for two NOVs with the same/similar violations and for six months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 26-Jul-2010

Docket No. 2010-1198-MWD-E

PCW

Respondent Montgomery County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 40086

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095205

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010857001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen (NH3-N) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Chlorine residual values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

241 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

	Before NOV	NOV to EDPRP/Settlement
	Extraordinary	
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by May 1, 2010 for this violation.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$117

Violation Final Penalty Total \$3,450

This violation Final Assessed Penalty (adjusted for limits) \$3,450

Economic Benefit Worksheet

Respondent: Montgomery County Water Control and Improvement District No. 1
Case ID No.: 40086
Reg. Ent. Reference No.: RN102095205
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$4,000	30-Sep-2009	1-May-2010	0.58	\$117	n/a	\$117

Notes for DELAYED costs

Estimated cost to re-build the Facility's bacterial colonies to stabilize the system and to stop receiving wastewater from the suspected source of contamination. Date Required is the first day of non-compliance. Final Date is the compliance date.

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

\$4,000

TOTAL

\$117

Effluent Limit Violation Table

Table rev.

Montgomery County Water Control and Improvement District No. 1

RN102095205

2010-1198-MWD-E, Case No. 40086

Jorge Ibarra, P.E.

Corresponds to Violation Number: **1**

EFFLUENT PARAMETER

Permit Limit									
	NH3-N Daily Average	NH3-N Daily Average	Cl Residual Minimum						
<i>Month/Year</i>	3 mg/L	11 lbs/d	1.0 mg/L						
Sep-09	c	c	0.65						
Feb-10	4.43	c	c						
Mar-10	3.74	19.2	c						
Apr-10	4.03	c	c						

Name	Abbreviation
milligram per liter	mg/L
Chlorine	Cl
Ammonia Nitrogen	NH3-N
pounds per day	lbs/d
compliant	c

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600738066	Montgomery County WCID 1	Classification: AVERAGE	Rating: 0.17
Regulated Entity:	RN102095205	MONTGOMERY CO WCID 1	Classification: AVERAGE	Site Rating: 0.17
ID Number(s):	WASTEWATER	PERMIT		WQ0010857001
	WASTEWATER	EPA ID		TX0025399
	WASTEWATER LICENSING	LICENSE		WQ0010857001
Location:	located approximately eleven miles south of the City of Conroe, three miles west of the Interstate Highway 45 crossing of Spring Creek and at the south end of Glen Loch Drive in the Timber Ridge-Timber Lake subdivision in Montgomery County, Texas			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	July 26, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 26, 2005 to July 26, 2010			

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2009 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/19/2005	(441953)
2	09/16/2005	(441954)
3	10/21/2005	(470720)
4	11/28/2005	(470721)
5	12/19/2005	(470722)
6	01/05/2006	(450459)
7	01/18/2006	(470723)
8	02/21/2006	(470718)
9	03/20/2006	(470719)
10	04/21/2006	(499676)
11	05/16/2006	(499677)
12	06/20/2006	(499678)
13	07/05/2006	(484889)
14	07/12/2006	(521749)
15	09/01/2006	(521750)

	16	09/21/2006	(521751)
	17	10/10/2006	(546375)
	18	11/28/2006	(546376)
	19	01/12/2007	(546378)
	20	01/22/2007	(546377)
21	02/15/2007	(578463)	
22	03/21/2007	(578464)	
23	04/16/2007	(578465)	
24	05/17/2007	(578466)	
25	06/18/2007	(578467)	
26	07/19/2007	(602491)	
27	08/16/2007	(602492)	
28	09/19/2007	(602493)	
29	10/22/2007	(620688)	
30	10/30/2007	(598898)	
31	11/20/2007	(620689)	
32	12/14/2007	(620690)	
33	01/14/2008	(672935)	
34	02/19/2008	(672933)	
35	03/18/2008	(672934)	
36	04/17/2008	(690990)	
37	05/23/2008	(690991)	
38	06/16/2008	(690992)	
39	07/15/2008	(711873)	
40	09/02/2008	(711874)	
41	09/22/2008	(711875)	
42	10/17/2008	(728305)	
43	11/19/2008	(728306)	
44	12/15/2008	(751333)	
45	02/05/2009	(751334)	
46	02/13/2009	(751331)	
47	03/05/2009	(708185)	
48	03/16/2009	(751332)	
49	04/20/2009	(769135)	
50	05/19/2009	(807181)	
51	06/17/2009	(807182)	
52	07/15/2009	(807183)	
53	08/31/2009	(807184)	
54	09/16/2009	(807185)	
55	10/14/2009	(807186)	
56	11/20/2009	(807187)	
57	12/14/2009	(807188)	
58	01/22/2010	(807189)	
59	02/12/2010	(807180)	
60	03/22/2010	(831785)	
61	04/23/2010	(831786)	
62	05/20/2010	(831787)	
63	07/22/2010	(830201)	

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

Date:	11/30/2005	(470722)	CN600738066
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:	01/05/2006	(450459)	CN600738066

Self Report? NO Classification: Moderate
Citation: No. 10857-001 Page 7, No. 2g PERMIT
TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system.

Date: 07/31/2008 (711874) CN600738066
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 08/18/2008 (688676) CN600738066
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, pg. 2, no. 2 PERMIT.
Description: Failure to comply with effluent permit limits for chlorine residual. The effluent chlorine residual was 6.1 mg/L on July 10, 2008. The maximum chlorine residual permit limit is 4 mg/L.

Date 09/30/2009 (807186) CN600738066
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 02/28/2010 (831785) CN600738066
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 03/31/2010 (831786) CN600738066
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 04/30/2010 (831787) CN600738066
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
MONTGOMERY COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 1
RN102095205

§
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§
§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1198-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 Montgomery County Water Control and Improvement District No. 1 ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 11 miles south of Conroe, three miles west of the Interstate Highway 45 crossing of Spring Creek and at the south end of Glen Loch Drive in the Timber Ridge-Timber Lake subdivision in Montgomery 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 26, 2010.
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 Three Thousand Four Hundred Fifty Dollars (\$3,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Seven Hundred Sixty Dollars (\$2,760) of the administrative penalty and Six Hundred Ninety Dollars (\$690) 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 re-built the Facility's bacterial colonies to stabilize the system, stopped receiving wastewater from the suspected source of contamination, and returned to compliance with permitted effluent limits by May 1, 2010.
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 failed to comply with permit effluent limits, in violation of Texas Pollutant Discharge Elimination System Permit No. WQ0010857001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on July 7, 2010 and shown in the table below:

EFFLUENT PARAMETER			
Permit Limit			
	NH ₃ -N Daily Average	NH ₃ -N Daily Average	Cl Residual Minimum
Month/Year	3 mg/L	11 lbs/d	1.0 mg/L
Sep-09	c	c	0.65
Feb-10	4.43	c	c
Mar-10	3.74	19.2	c
Apr-10	4.03	c	c

NH₃-N = ammonia nitrogen Cl = chlorine mg/L = milligrams per liter
 lbs/d = pounds per day c = compliant

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: Montgomery County Water Control and Improvement District No. 1, Docket No. 2010-1198-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 S. Zolner
For the Executive Director

10/14/2010
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.

Jackie W. Chaner
Signature

9-7-2010
Date

Jackie W. Chaner
Name (Printed or typed)

General Manager
Title

Authorized Representative of

Montgomery County Water Control and Improvement District No. 1

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.

