

**Executive Summary – Enforcement Matter – Case No. 43173**  
**Montgomery County Water Control and Improvement District No. 1**  
**RN102095205**  
**Docket No. 2011-2332-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Montgomery County WCID 1, located approximately eleven 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 Associated collection system and lift stations, located at 25910 Glen Loch Drive and 25226 Spring Creek Drive, Montgomery County

**Type of Operation:**

Wastewater treatment facility with an associated collection system and lift stations

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 6, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,800

**Amount Deferred for Expedited Settlement:** \$2,760

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$11,040

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 43173**  
**Montgomery County Water Control and Improvement District No. 1**  
**RN102095205**  
**Docket No. 2011-2332-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 6, 2011 and December 20, 2011

**Date(s) of NOE(s):** December 1, 2011

***Violation Information***

1. Failed to prevent unauthorized discharges of wastewater from a collection system into water in the state. Specifically, on September 6, 2011, approximately 45,500 gallons of wastewater was discharged from a manhole at 25910 Glen Loch Drive in Montgomery County Texas because a transducer failed at the lift station which gave a false wet well level in the lift station and the backup secondary float ball system was entangled by rags. Also, On October 5, 2011, approximately 34,460 gallons of wastewater was discharged from a manhole at 25226 Spring Creek Drive in Montgomery County Texas because a faulty voltage phase monitor went out at the lift station which caused the pumps to shut off. The wastewater from the discharges flowed into a nearby drainage ditch [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010857001, Permit Conditions No. 2.g.].

2. Failed to comply with the permitted effluent limits. Specifically, the Respondent reported a total suspended solids (“TSS”) daily average concentration value of 16 milligrams per liter (“mg/L”) for the monitoring period ending May 31, 2011, an ammonia nitrogen (“NH<sub>3</sub>-N”) daily average concentration value of 5.98 mg/L for the monitoring period ending February 28, 2011, and an NH<sub>3</sub>-N daily average loading value of 17.4 pounds per day (“lbs/dy”) for the monitoring period ending February 28, 2011. The TSS daily average concentration permitted effluent limit is 15 mg/L, the NH<sub>3</sub>-N daily average concentration permitted limit is 3 mg/L, and the NH<sub>3</sub>-N daily average loading permitted limit is 11 lbs/dy [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010857001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facility:

- a. On September 6, 2011, replaced the transducer, relocated the ball float system, and disinfected and cleaned up the discharge that occurred at 25910 Glen Loch Drive; and
- b. On October 6, 2011, replaced the voltage phase monitor, and disinfected and cleaned up the discharge that occurred at 25226 Spring Creek Drive.

**Executive Summary – Enforcement Matter – Case No. 43173**  
**Montgomery County Water Control and Improvement District No. 1**  
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**Technical Requirements:**

The Order will require, within 90 days, the Respondent to submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010857001, 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.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Stephen Thompson, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2558; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** 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:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Dec-2011	Screening	20-Dec-2011	EPA Due	
	PCW	27-Dec-2011				

## 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.	43173	No. of Violations	1
Docket No.	2011-2332-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samuel Short
		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**

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

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

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

Notes: Enhancement for seven months of self-reported effluent violations, two NOV's for the same/similar violations, and one agreed order with denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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**

**Screening Date** 20-Dec-2011

**Docket No.** 2011-2332-MWD-E

**PCW**

**Respondent** Montgomery County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

**Case ID No.** 43173

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102095205

**Media [Statute]** Water Quality

**Enf. Coordinator** Samuel Short

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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%

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)** 65%

>> **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 seven months of self-reported effluent violations, two NOVs for the same/similar violations, and one agreed order with denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 65%

Screening Date 20-Dec-2011

Docket No. 2011-2332-MWD-E

PCW

Respondent Montgomery County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 43173

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095205

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

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

Violation Description Failed to comply with the permitted effluent limits, as documented during a record review conducted on December 20, 2011. Specifically, the Respondent reported a total suspended solids ("TSS") daily average concentration value of 16 milligrams per liter ("mg/L") for the monitoring period ending May 31, 2011, an ammonia nitrogen ("NH3-N") daily average concentration value of 5.98 mg/L for the monitoring period ending February 28, 2011, and an NH3-N daily average loading value of 17.4 pounds per day ("lbs/dy") for the monitoring period ending February 28, 2011. The TSS daily average concentration permitted effluent limit is 15 mg/L, the NH3-N daily average concentration permitted limit is 3 mg/L, and the NH3-N daily average loading permitted limit is 11 lbs/dy.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes A simplified model was used to evaluate NH3-N to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS was also considered. As a result of these discharges, human health or the environment has been exposed to an insignificant amount 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 2 Number of violation days 59

Table for marking violation frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$801

Violation Final Penalty Total \$3,300

This violation Final Assessed Penalty (adjusted for limits) \$3,300

# Economic Benefit Worksheet

**Respondent** Montgomery County Water Control and Improvement District No. 1

**Case ID No.** 43173

**Req. Ent. Reference No.** RN102095205

**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
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)	\$10,000	28-Feb-2011	5-Oct-2012	1.60	\$801	n/a	\$801

**Notes for DELAYED costs**

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the first date of non-compliance. The final date is the expected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$801



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	1-Dec-2011	<b>Screening</b>	20-Dec-2011	<b>EPA Due</b>	
	<b>PCW</b>	27-Dec-2011				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	43173	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-2332-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>	Samuel Short
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	65.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$4,875
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Notes: Enhancement for seven months of self-reported effluent violations, two NOVs for the same/similar violations, and one agreed order with denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,875
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$21  
 Approx. Cost of Compliance \$4,200  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$10,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,500
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,100
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,400
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**Screening Date** 20-Dec-2011

**Docket No.** 2011-2332-MWD-E

**PCW**

**Respondent** Montgomery County Water Control and Improver

Policy Revision 3 (September 2011)

**Case ID No.** 43173

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102095205

**Media [Statute]** Water Quality

**Enf. Coordinator** Samuel Short

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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%

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)** 65%

>> **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 seven months of self-reported effluent violations, two NOVs for the same/similar violations, and one agreed order with denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 65%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 65%

Screening Date 20-Dec-2011

Docket No. 2011-2332-MWD-E

PCW

Respondent Montgomery County Water Control and Improvement District N

Policy Revision 3 (September 2011)

Case ID No. 43173

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095205

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010857001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent unauthorized discharges of wastewater from a collection system into water in the state. Specifically, on September 6, 2011, approximately 45,500 gallons of wastewater was discharged from a manhole at 25910 Glen Loch Drive in Montgomery County Texas because a transducer failed at the lift station which gave a false wet well level in the lift station and the backup secondary float ball system was entangled by rags. Also, On October 5, 2011, approximately 34,460 gallons of wastewater was discharged from a manhole at 25226 Spring Creek Drive in Montgomery County Texas because a faulty voltage phase monitor went out at the lift station which caused the pumps to shut off. The wastewater from the discharges flowed into a nearby drainage ditch.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Two quarterly events are recommended (one for each discharge).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance by October 6, 2011

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

## Economic Benefit Worksheet

**Respondent** Montgomery County Water Control and Improvement District No. 1  
**Case ID No.** 43173  
**Req. Ent. Reference No.** RN102095205  
**Media** Water Quality  
**Violation No.** 1

<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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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,200	6-Sep-2011	6-Oct-2011	0.08	\$1	\$12	\$13
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)	\$2,000	6-Sep-2011	6-Oct-2011	0.08	\$8	n/a	\$8

**Notes for DELAYED costs**

The estimated cost to replace the transducer (\$1,500), relocate the ball float system (\$200), and replace the voltage phase monitor (\$500). Date required is the date the first discharge occurred and the final date is the date of compliance.

The estimated cost to disinfect and clean up the discharges (\$1,000 per discharge). Date required is the date the first discharge occurred and the final date is the date the last discharge was cleaned up.

### 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

\$4,200

**TOTAL**

\$21

# Compliance History

Customer/Respondent/Owner-Operator: CN600738066 Montgomery County Water Control and Improvement District No. 1 Classification: AVERAGE Rating: 1.14

Regulated Entity: RN102095205 MONTGOMERY CO WCID 1 Classification: AVERAGE Site Rating:

ID Number(s): WASTEWATER PERMIT WQ0010857  
 WASTEWATER EPA ID TX0025399  
 WASTEWATER LICENSING LICENSE WQ0010857

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: December 20, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 20, 2006 to December 20, 2011

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

Name: Samuel Short Phone: (512) 239-5363

### 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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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.  
 Effective Date: 12/25/2010 ADMINORDER 2010-1198-MWD-E  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: Effluent Limits PERMIT  
 Description: Failure to comply with permit effluent limits for total ammonia nitrogen and chlorine.

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	01/22/2007	(546377)
2	01/12/2007	(546378)
3	02/15/2007	(578463)
4	03/21/2007	(578464)
5	04/16/2007	(578465)
6	05/17/2007	(578466)
7	06/18/2007	(578467)
8	10/30/2007	(598898)

9	07/19/2007	(602491)
10	08/16/2007	(602492)
11	09/19/2007	(602493)
12	10/22/2007	(620688)
13	11/20/2007	(620689)
14	12/14/2007	(620690)
15	02/19/2008	(672933)
16	03/18/2008	(672934)
17	01/14/2008	(672935)
18	04/17/2008	(690990)
19	05/23/2008	(690991)
20	06/16/2008	(690992)
21	03/05/2009	(708185)
22	07/15/2008	(711873)
23	09/02/2008	(711874)
24	09/22/2008	(711875)
25	10/17/2008	(728305)
26	11/19/2008	(728306)
27	02/13/2009	(751331)
28	03/16/2009	(751332)
29	12/15/2008	(751333)
30	02/05/2009	(751334)
31	04/20/2009	(769135)
32	02/12/2010	(807180)
33	05/19/2009	(807181)
34	06/17/2009	(807182)
35	07/15/2009	(807183)
36	08/31/2009	(807184)
37	09/16/2009	(807185)
38	10/14/2009	(807186)
39	11/20/2009	(807187)
40	12/14/2009	(807188)
41	01/22/2010	(807189)
42	07/22/2010	(830201)
43	03/22/2010	(831785)
44	04/23/2010	(831786)
45	05/20/2010	(831787)
46	09/07/2010	(841779)
47	06/15/2010	(846552)
48	07/20/2010	(867173)
49	08/30/2010	(867174)
50	09/17/2010	(874226)
51	12/09/2010	(880656)
52	10/20/2010	(881827)
53	11/23/2010	(896593)
54	12/17/2010	(896594)
55	01/12/2011	(902602)
56	02/14/2011	(909393)
57	03/11/2011	(916650)
58	04/18/2011	(925807)
59	05/18/2011	(938346)
60	06/14/2011	(945713)

61	07/21/2011	(952961)
62	08/19/2011	(959620)
63	09/16/2011	(965659)
64	12/01/2011	(968258)
65	10/20/2011	(971698)

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

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		
Date:	09/07/2010	(841779)	CN600738066
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 prevent unauthorized discharges from the collection system and wastewater treatment plant.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) MRR, No. 7c PERMIT		
Description:	Failure to submit the noncompliance notification for an effluent violation which deviated from the permitted limit by more than 40%.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(d)		
Description:	Failure to maintain unexpired standards for the chlorine meter.		
Date:	02/28/2011	(916650)	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 05/31/2011 (945713) 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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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2011-2332-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 eleven 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 with an associated collection system and lift stations located at 25910 Glen Loch Drive and 25226 Spring Creek Drive 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 December 6, 2011.

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 Thirteen Thousand Eight Hundred Dollars (\$13,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Forty Dollars (\$11,040) of the administrative penalty and Two Thousand Seven Hundred Sixty Dollars (\$2,760) 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. On September 6, 2011, replaced the transducer, relocated the ball float system, and disinfected and cleaned up the discharge that occurred at 25910 Glen Loch Drive; and
  - b. On October 6, 2011, replaced the voltage phase monitor, and disinfected and cleaned up the discharge that occurred at 25226 Spring Creek Drive.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent unauthorized discharges of wastewater from a collection system into water in the state, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE

§ 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010857001, Permit Conditions No. 2.g., as documented during an investigation conducted on October 6, 2011. Specifically, on September 6, 2011, approximately 45,500 gallons of wastewater was discharged from a manhole at 25910 Glen Loch Drive in Montgomery County Texas because a transducer failed at the lift station which gave a false wet well level in the lift station and the backup secondary float ball system was entangled by rags. Also, On October 5, 2011, approximately 34,460 gallons of wastewater was discharged from a manhole at 25226 Spring Creek Drive in Montgomery County Texas because a faulty voltage phase monitor went out at the lift station which caused the pumps to shut off. The wastewater from the discharges flowed into a nearby drainage ditch.

2. Failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010857001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on December 20, 2011. Specifically, the Respondent reported a total suspended solids ("TSS") daily average concentration value of 16 milligrams per liter ("mg/L") for the monitoring period ending May 31, 2011, an ammonia nitrogen ("NH<sub>3</sub>-N") daily average concentration value of 5.98 mg/L for the monitoring period ending February 28, 2011, and an NH<sub>3</sub>-N daily average loading value of 17.4 pounds per day ("lbs/dy") for the monitoring period ending February 28, 2011. The TSS daily average concentration permitted effluent limit is 15 mg/L, the NH<sub>3</sub>-N daily average concentration permitted limit is 3 mg/L, and the NH<sub>3</sub>-N daily average loading permitted limit is 11 lbs/dy.

### 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. 2011-2332-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. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent

limitations of TPDES Permit No. WQ0010857001, 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 include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language: the Respondent shall undertake the following technical requirements:

"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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. 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.
4. 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.
5. 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.

6. 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.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. 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

Perm Jawn Jr  
For the Executive Director

5/21/12  
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 Chance sr  
Signature

2/27/2012  
Date

Jackie W Chance sr  
Name (Printed or typed)  
Authorized Representative of  
Montgomery County Water Control and Improvement District No. 1

General Manager  
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.