

**Executive Summary – Enforcement Matter – Case No. 43443  
Northwest Harris County Municipal Utility District No. 15  
RN103123238  
Docket No. 2012-0256-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM - AIR, WQ

**Small Business:**

No

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

Northwest Harris County Municipal Utility District No. 15, located approximately 25 miles northwest of downtown Houston, 4.5 miles south of Tomball, and one mile west of the intersection of Gregson Road and State Highway 249, Harris County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 20, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,725

**Amount Deferred for Expedited Settlement:** \$2,345

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

**Total Paid to General Revenue:** \$9,380

**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:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 43443**  
**Northwest Harris County Municipal Utility District No. 15**  
**RN103123238**  
**Docket No. 2012-0256-MLM-E**

***Investigation Information***

**Complaint Date(s):** January 24, 2012

**Complaint Information:** Alleged that odor was causing a nuisance and interfering with use of the complainants' property.

**Date(s) of Investigation:** January 26, 2011, through October 28, 2011

**Date(s) of NOE(s):** December 21, 2011

***Violation Information***

1. Failed to prevent the discharge of floating solids into the receiving stream. Specifically, on February 14, 2011, the investigator documented sludge and floating solids in the receiving stream [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011939001, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d].

2. Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, on February 16, 2011, the investigator documented that both the clarifier and chlorine contact chamber were covered with foam [30 TEX. ADMIN. CODE § 305.125(1) and(5) and TPDES Permit No. WQ0011939001, Operational Requirements No. 1].

3. Failed to prevent nuisance odor conditions that interfere with the normal use and enjoyment of property. Specifically, citizen collected evidence documented that during the period of February 5, 2011, through March 28, 2011, odors emanating from the Facility were of sufficient concentration and duration to be considered nuisance odors [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH AND SAFETY CODE § 382.085(a) and (b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

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

- a. By February 21, 2011, removed the foam from the clarifier and the chlorine contact chamber; and
- b. By February 25, 2011, removed and properly disposed of the foam and sludge from the receiving stream.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, implement measures designed to prevent nuisance conditions from the Facility; and

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b. Within 45 days, submit written certification demonstrating compliance.

***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:** Lanae Foard, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-2554; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412.

**TCEQ SEP Coordinator:** N/A

**Respondent:** Lawrence E. Lahaie, Jr., President, Board of Directors, Northwest  
Harris County Municipal Utility District No. 15, 1300 Post Oak Boulevard, Suite 1400,  
Houston, Texas 77056

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	3-Jan-2012	<b>Screening</b>	17-Jan-2012	<b>EPA Due</b>	
	<b>PCW</b>	24-Jan-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Northwest Harris County Municipal Utility District No. 15		
<b>Reg. Ent. Ref. No.</b>	RN103123238		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	43443	<b>No. of Violations</b>	3
<b>Docket No.</b>	2012-0256-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Air	<b>Enf. Coordinator</b>	Lanae Foard
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### 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 one NOV with same/similar violations, four NOVs with dissimilar violations, and 12 months of self-reported effluent violations.

**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 17-Jan-2012

Docket No. 2012-0256-MLM-E

PCW

Respondent Northwest Harris County Municipal Utility District No. 15

Policy Revision 2 (September 2002)

Case ID No. 43443

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103123238

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

### 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> )	13	65%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

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) 73%

>> 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 one NOV with same/similar violations, four NOVs with dissimilar violations, and 12 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 73%

Screening Date 17-Jan-2012

Docket No. 2012-0256-MLM-E

PCW

Respondent Northwest Harris County Municipal Utility District No. 15

Policy Revision 2 (September 2002)

Case ID No. 43443

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103123238

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011939001, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d

Violation Description

Failed to prevent the discharge of floating solids into the receiving stream, as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, on February 14, 2011, the investigator documented sludge and floating solids in the receiving stream.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

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 as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

11 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended from the date the violation was documented (February 14, 2011) to the date of compliance (February 25, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent achieved compliance on February 25, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$3,700

This violation Final Assessed Penalty (adjusted for limits) \$3,700

# Economic Benefit Worksheet

**Respondent** Northwest Harris County Municipal Utility District No. 15  
**Case ID No.** 43443  
**Reg. Ent. Reference No.** RN103123238  
**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)	\$1,000	14-Feb-2011	25-Feb-2011	0.03	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the foam and sludge from the receiving stream. Date required is the date the violation was documented. Final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$2

Screening Date 17-Jan-2012

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PCW

Respondent Northwest Harris County Municipal Utility District No. 15

Policy Revision 2 (September 2002)

Case ID No. 43443

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103123238

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and(5) and TPDES Permit No. WQ0011939001, Operational Requirements No. 1

Violation Description Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, on February 16, 2011, the investigator documented that both the clarifier and chlorine contact chamber were covered with foam.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential			X		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 5

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

Violation Base Penalty \$2,500

One quarterly event is recommended from the date the violation was documented (February 16, 2011) to the date of compliance (February 21, 2011).

Good Faith Efforts to Comply

25.0% Reduction \$625

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

Notes The Respondent achieved compliance on February 21, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$3,700

This violation Final Assessed Penalty (adjusted for limits) \$3,700

# Economic Benefit Worksheet

**Respondent** Northwest Harris County Municipal Utility District No. 15  
**Case ID No.** 43443  
**Reg. Ent. Reference No.** RN103123238  
**Media** Water Quality  
**Violation No.** 2

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

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Feb-2011	21-Feb-2011	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to remove the foam from the clarifier and chlorine contact chamber. Date required is the date the violation was documented. Final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$1

Screening Date 17-Jan-2012

Docket No. 2012-0256-MLM-E

PCW

Respondent Northwest Harris County Municipal Utility District No. 15

Policy Revision 2 (September 2002)

Case ID No. 43443

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103123238

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health and Safety Code § 382.085(a) and (b)

Violation Description

Failed to prevent nuisance odor conditions that interfere with the normal use and enjoyment of property, as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, citizen collected evidence documented that during the period of February 5, 2011, through March 28, 2011, odors emanating from the Facility were of sufficient concentration and duration to be considered nuisance odors.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

51 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the period that odors were documented at the Facility (February 5, 2011, to March 28, 2011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$779

Violation Final Penalty Total \$4,325

This violation Final Assessed Penalty (adjusted for limits) \$4,325

# Economic Benefit Worksheet

**Respondent** Northwest Harris County Municipal Utility District No. 15  
**Case ID No.** 43443  
**Req. Ent. Reference No.** RN103123238  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	5-Feb-2011	27-Aug-2012	1.56	\$779	n/a	\$779

**Notes for DELAYED costs**

Estimated cost to implement measures designed to control odor nuisances. The date required is the date the violation was initially documented. 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**

\$779

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600636559 Northwest Harris County MUD 15 Classification: AVERAGE Rating: 0.77

Regulated Entity: RN103123238 NORTHWEST HARRIS COUNTY MUD 15 Classification: AVERAGE Site Rating: 0.77

ID Number(s): WASTEWATER PERMIT WQ0011939001  
WASTEWATER EPA ID TX0075795  
WASTEWATER LICENSING LICENSE WQ0011939001  
STORMWATER PERMIT TXR05Q809

Location: Approximately 25 miles northwest of downtown Houston, 4.5 miles south of Tomball, and one mile west of the intersection of Gregson Road and State Highway 249 in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 21, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 17, 2007 to January 17, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Lanae Foard Phone: (512) 239-2554

## 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.  
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 02/18/2007 (585077)
- 2 03/29/2007 (585078)
- 3 04/20/2007 (585079)
- 4 06/04/2007 (585080)
- 5 07/05/2007 (585081)

6	01/29/2007	(585085)
7	06/27/2007	(593309)
8	08/20/2007	(604466)
9	08/20/2007	(604467)
10	09/25/2007	(604468)
11	10/22/2007	(623518)
12	12/03/2007	(623519)
13	12/27/2007	(623520)
14	03/05/2008	(674806)
15	03/31/2008	(674807)
16	02/06/2008	(674808)
17	04/23/2008	(693149)
18	06/30/2008	(693150)
19	06/30/2008	(714373)
20	08/01/2008	(714374)
21	08/28/2008	(714375)
22	10/03/2008	(730344)
23	11/06/2008	(730345)
24	12/02/2008	(730346)
25	03/09/2009	(753566)
26	03/26/2009	(753567)
27	01/05/2009	(753568)
28	02/02/2009	(753569)
29	04/17/2009	(759010)
30	04/23/2009	(771021)
31	05/26/2010	(833755)
32	06/28/2010	(847153)
33	11/19/2010	(864436)
34	08/02/2010	(867957)
35	08/26/2010	(867958)

36 09/03/2010 (869861)  
37 10/21/2010 (874907)  
38 10/27/2010 (882512)  
39 01/10/2011 (887001)  
40 12/20/2010 (888948)  
41 12/03/2010 (890656)  
42 12/13/2010 (897299)  
43 01/14/2011 (903200)  
44 02/07/2011 (910120)  
45 03/24/2011 (917325)  
46 02/24/2010 (927993)  
47 03/26/2010 (927994)  
48 05/04/2010 (927995)  
49 04/20/2011 (927996)  
50 06/02/2009 (927997)  
51 07/15/2009 (927998)  
52 12/28/2009 (927999)  
53 09/11/2009 (928000)  
54 10/05/2009 (928001)  
55 10/22/2009 (928002)  
56 11/23/2009 (928003)  
57 12/18/2009 (928004)  
58 12/28/2009 (928005)  
59 05/13/2011 (939019)  
60 06/20/2011 (946404)  
61 04/20/2011 (953677)  
62 09/02/2011 (960297)  
63 09/14/2011 (966345)  
64 10/18/2011 (972362)  
65 11/09/2011 (978516)

66 12/09/2011 (985334)

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

Date: 06/27/2007 (593309) CN600636559  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/30/2007 (604466) CN600636559  
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: 07/31/2007 (604467) CN600636559  
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 (693150) CN600636559  
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: 04/17/2009 (759010) CN600636559  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2009 (928001) CN600636559  
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: 12/31/2009 (928005) CN600636559  
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: 01/31/2010 (927993) CN600636559  
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 (833755) CN600636559  
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: 05/31/2010 (847153) CN600636559  
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: 07/31/2010 (867958) CN600636559  
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: 09/03/2010 (869861) CN600636559  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/31/2010 (888948) CN600636559  
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: 12/03/2010 (890656) CN600636559  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2010 (903200) CN600636559  
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: 01/07/2011 (887001) CN600636559  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011939-001 PERMIT  
Description: Failure to operate and maintain the wastewater treatment plant to prevent the unauthorized discharge of sludge from the plant to the receiving stream. At the time of the investigation, on October 19, 2010, there was sludge settled on the bottom of the stream at the end of the riprap and floating on the surface of the receiving stream from the end of the riprap near Outfall 001 to the Lake Vista Drive bridge .

Date: 05/31/2011 (946404) CN600636559  
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  
NORTHWEST HARRIS COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 15  
RN103123238**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2012-0256-MLM-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 Northwest Harris County Municipal Utility District No. 15 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and 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 25 miles northwest of downtown Houston, 4.5 miles south of Tomball, and one mile west of the intersection of Gregson Road and State Highway 249 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 Facility consists of one or more sources as defined in TEX. HEALTH AND SAFETY CODE § 382.003(12).
4. 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.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 26, 2011.

6. 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.
7. An administrative penalty in the amount of Eleven Thousand Seven Hundred Twenty-Five Dollars (\$11,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Three Hundred Eighty Dollars (\$9,380) of the administrative penalty and Two Thousand Three Hundred Forty-Five Dollars (\$2,345) 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.
8. 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.
9. 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.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By February 21, 2011, removed the foam from the clarifier and the chlorine contact chamber; and
  - b. By February 25, 2011, removed and properly disposed of the foam and sludge from the receiving stream.
11. 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.
12. 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.
13. 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 the discharge of floating solids into the receiving stream, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant

Discharge Elimination System ("TPDES") Permit No. WQ0011939001, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d, as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, on February 14, 2011, the investigator documented sludge and floating solids in the receiving stream.

2. Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and(5) and TPDES Permit No. WQ0011939001, Operational Requirements No. 1, as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, on February 16, 2011, the investigator documented that both the clarifier and chlorine contact chamber were covered with foam.
3. Failed to prevent nuisance odor conditions that interfere with the normal use and enjoyment of property, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH AND SAFETY CODE § 382.085(a) and (b), as documented during an investigation conducted January 26, 2011, through October 28, 2011. Specifically, citizen collected evidence documented that during the period of February 5, 2011, through March 28, 2011, odors emanating from the Facility were of sufficient concentration and duration to be considered nuisance odors.

### **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 7 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: Northwest Harris County Municipal Utility District No. 15, Docket No. 2012-0256-MLM-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 the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent nuisance conditions from the Facility; and

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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

  
\_\_\_\_\_  
For the Executive Director

7/31/12  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Signature

4/25/12  
\_\_\_\_\_  
Date

Lawrence E. LaHaie, Jr.  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Northwest Harris County Municipal Utility District No. 15

President, Board of Directors  
\_\_\_\_\_  
Title

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