

**Executive Summary – Enforcement Matter – Case No. 42095**  
**Montgomery County Municipal Utility District No. 89**  
**RN102335346**  
**Docket No. 2011-1214-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

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

Rembert Tract WWTP, located at 29722-1/2 Legends Ridge Drive #2, approximately 5,200 feet north of the intersection of Riley Fussell Road and Rayford Road, Montgomery 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:** June 22, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,500

**Amount Deferred for Expedited Settlement:** \$0

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

**Total Paid to General Revenue:** \$17,500

**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. 42095**  
**Montgomery County Municipal Utility District No. 89**  
**RN102335346**  
**Docket No. 2011-1214-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** May 11, 2011  
**Date(s) of NOE(s):** July 5, 2011

***Violation Information***

1. Failed to prevent the discharge of sludge into the receiving stream [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013985001, Permit Condition No. 2.d., TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.125(4)].
2. Failed to submit noncompliance notifications to the TCEQ regional office within 24 hours of unauthorized discharges and within five working days of any effluent violations which deviate from the permitted effluent limitations [TEX. WATER CODE § 26.039(b) and TPDES Permit No. WQ0013985001, Monitoring and Reporting Requirements Nos. 7.a. and 7.c.].
3. Failed to comply with permitted effluent limits for ammonia nitrogen, flow, and total residual chlorine [TPDES Permit No. WQ0013985001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures at the Facility:

- a. By May 17, 2011, submitted documentation that the sludge was removed from the receiving stream and the chlorine contact chamber had been cleaned;
- b. On June 1, 2011, submitted the noncompliance notifications for the unauthorized discharge and the effluent violation and provided additional employee oversight and instructions to ensure that the noncompliance notifications are submitted timely; and
- c. By June 30, 2011, returned to compliance with permitted effluent limitations by repairing the aeration system, the blower and the chlorine feeder line.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 42095**  
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**RN102335346**  
**Docket No. 2011-1214-MWD-E**

***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:** Cheryl Thompson, Enforcement Division,  
Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Greg Grant, Vice President, Montgomery County Municipal Utility  
District No. 89, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027  
Austin Goings, Board President, Montgomery County Municipal Utility District No. 89,  
3200 Southwest Freeway, Suite 2600, Houston, Texas 77027  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	11-Jul-2011	<b>Screening</b>	19-Jul-2011	<b>EPA Due</b>	
	<b>PCW</b>	2-Aug-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Montgomery County Municipal Utility District No. 89		
<b>Reg. Ent. Ref. No.</b>	RN102335346		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42095	<b>No. of Violations</b>	4
<b>Docket No.</b>	2011-1214-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<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

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

Notes

**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

**PAYABLE PENALTY**

Screening Date 19-Jul-2011

Docket No. 2011-1214-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 1

Policy Revision 2 (September 2002)

Case ID No. 42095

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335346

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### 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> )	20	100%
	Other written NOVs	0	0%
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%
<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)** 100%

#### >> 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 18 months of self-reported violations and two NOVs with same/similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 100%

Screening Date 19-Jul-2011

Docket No. 2011-1214-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 89

Policy Revision 2 (September 2007)

Case ID No. 42095

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102335346

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013985001, Permit Condition No. 2.d., Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(4)

Violation Description

Failed to prevent the unauthorized discharge of sludge into an receiving stream. Specifically, during the investigation, sludge was observed on the surface of the receiving stream approximately 25 feet upstream of the discharge pipe and approximately 170 feet downstream of the discharge pipe. Approximately 500 gallons was discharged.

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

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 the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 6

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the period of May 11, 2011 (date of investigation) to May 17, 2011 (date of compliance).

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$250

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on May 17, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,750

This violation Final Assessed Penalty (adjusted for limits) \$1,750

# Economic Benefit Worksheet

**Respondent** Montgomery County Municipal Utility District No. 89  
**Case ID No.** 42095  
**Reg. Ent. Reference No.** RN102335346  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$9,865	11-May-2011	17-May-2011	0.02	\$8	n/a	\$8

Notes for DELAYED costs

Actual cost to remove and dispose of sludge from the chlorine contact basin and the receiving stream.  
 Date required is the investigation date. 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

\$9,865

**TOTAL**

\$8

Screening Date 19-Jul-2011

Docket No. 2011-1214-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 89

Policy Revision 2 (September 2002)

Case ID No. 42095

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN102335346

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.039(b) and TPDES Permit No. WQ0013985001, Monitoring and Reporting Requirements Nos. 7.a. and 7.c.

Violation Description

Failed to submit noncompliance notifications to the TCEQ regional office within 24 hours of unauthorized discharges and within five working days of any effluent violations which deviate from the permitted effluent limitations by more than 40%. Specifically, the Respondent failed to submit the noncompliance notifications for an unauthorized discharge that occurred on May 11, 2011 and the exceedance of ammonia nitrogen by more than 40% during the month of August 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the permit and rule requirements were not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

274 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended (one event for each notification).

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes The Respondent returned to compliance on June 1, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

# Economic Benefit Worksheet

**Respondent** Montgomery County Municipal Utility District No. 89  
**Case ID No.** 42095  
**Reg. Ent. Reference No.** RN102335346  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	11-May-2011	1-Jun-2011	0.06	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20	5-Sep-2010	1-Jun-2011	0.74	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit the noncompliance reports to the TCEQ Regional office for the May 11, 2011 unauthorized discharge and the effluent exceedance of more than 40% for the month of August 2010. Dates required are the date the first noncompliance report was due and the investigation date. Final date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$270

**TOTAL** \$1

Screening Date 19-Jul-2011

Docket No. 2011-1214-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 89

Policy Revision 2 (September 2002)

Case ID No. 42095

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335346

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0013985001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 9, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 31

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

Violation Base Penalty \$5,000

One monthly event is recommended for the month of August 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent returned to compliance by June 30, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

# Economic Benefit Worksheet

**Respondent** Montgomery County Municipal Utility District No. 89  
**Case ID No.** 42095  
**Reg. Ent. Reference No.** RN102335346  
**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
<small>No commas or \$</small>							

### 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)	\$2,000	31-Jul-2010	30-Jun-2011	0.92	\$92	n/a	\$92

Notes for DELAYED costs

Estimated cost to repair the aeration system, the blower and chlorine feeder line. Date required is the month the first non-compliant excursion 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

\$2,000

**TOTAL**

\$92

Screening Date 19-Jul-2011

Docket No. 2011-1214-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 89

Policy Revision 2 (September 2002)

Case ID No. 42095

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335346

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0013985001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on August 9, 2011. See attached 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 to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Total residual chlorine and flow 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 2

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of July 2010, September 2010 and March 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes

The Respondent returned to compliance by June 30, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

# Economic Benefit Worksheet

**Respondent** Montgomery County Municipal Utility District No. 89  
**Case ID No.** 42095  
**Reg. Ent. Reference No.** RN102335346  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 3

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

**TOTAL** \$0





## Compliance History Report

Customer/Respondent/Owner-Operator: CN601733421 Montgomery County Municipal District 89 Classification: AVERAGE Rating: 2.41

Regulated Entity: RN102335346 REMBERT TRACT WWTP Classification: AVERAGE Site Rating: 1.21

ID Number(s): WASTEWATER PERMIT WQ0013985001  
 WASTEWATER EPA ID TX0117706

Location: located at 29722-1/2 Legends Ridge Drive #2, approximately 5,200 feet north of the intersection of Riley Fussell Road and Rayford Road in Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 01, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 19, 2006 to July 19, 2011

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

Name: Cheryl Thompson Phone: (817) 588-5886

### 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	09/29/2006	(528266)
2	09/29/2006	(528267)
3	09/29/2006	(528268)
4	12/03/2007	(599739)
5	07/11/2007	(630838)
6	07/11/2007	(630839)
7	07/11/2007	(630840)
8	07/11/2007	(630841)
9	08/23/2007	(630842)
10	09/24/2007	(630843)
11	10/05/2006	(630844)
12	11/02/2006	(630845)
13	10/11/2007	(630846)
14	12/07/2006	(630847)
15	11/07/2007	(630848)
16	01/04/2007	(630849)
17	02/01/2007	(630850)
18	07/25/2008	(695786)

19	07/25/2008	(695787)
20	07/25/2008	(695788)
21	07/25/2008	(695789)
22	07/25/2008	(695790)
23	07/25/2008	(695791)
24	07/24/2008	(695792)
25	07/24/2008	(695793)
26	08/25/2008	(717355)
27	09/10/2008	(717356)
28	10/14/2008	(717357)
29	11/20/2008	(732720)
30	01/15/2009	(732721)
31	02/13/2009	(755979)
32	03/10/2009	(755980)
33	04/15/2009	(755981)
34	12/16/2008	(755982)
35	05/12/2009	(772963)
36	06/12/2009	(772964)
37	02/11/2010	(819032)
38	07/16/2009	(819033)
39	08/18/2009	(819034)
40	09/14/2009	(819035)
41	10/16/2009	(819036)
42	11/13/2009	(819037)
43	12/17/2009	(819038)
44	01/13/2010	(819039)
45	03/11/2010	(835916)
46	04/14/2010	(835917)
47	05/13/2010	(835918)
48	10/15/2010	(845960)
49	06/14/2010	(847821)
50	07/16/2010	(862226)
51	08/23/2010	(868829)
52	09/16/2010	(875700)
53	10/20/2010	(883258)
54	12/15/2010	(884641)
55	11/15/2010	(889662)
56	12/16/2010	(898034)
57	01/17/2011	(903934)
58	02/16/2011	(910823)
59	03/17/2011	(918086)
60	07/05/2011	(920263)
61	04/19/2011	(930317)
62	05/17/2011	(939790)
63	06/15/2011	(947206)
64	07/14/2011	(954457)

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

Date: 09/30/2006 (630845) CN601733421  
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: 10/31/2006 (630847) CN601733421

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: 12/31/2006 (630850) CN601733421

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: 01/31/2007 (630838) CN601733421

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: 02/28/2007 (630839) CN601733421

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (630840) CN601733421

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: 04/30/2007 (630841) CN601733421

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (630842) CN601733421

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (630843) CN601733421

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (630846) CN601733421

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: 12/03/2007 (599739) CN601733421

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
ELMR No. 1 PERMIT

Description: Failure to maintain compliance with the permit limits for daily average flow.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
ELMR No. 1 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) and ammonia-nitrogen (NH3-N).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
MRR No. 7c PERMIT

Description: Failure to provide effluent violation notification letters in accordance with the permit requirements and applicable State regulations. Several of the violations listed in Table II exceeded the permitted effluent limits by greater than forty percent. Noncompliance notification records were not submitted for these effluent violations.

notification reports were not submitted for these eminent violations.

Date	07/31/2008	(717355)	CN601733421		
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	08/31/2008	(717356)	CN601733421		
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	09/30/2008	(717357)	CN601733421		
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	06/30/2010	(862226)	CN601733421		
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	(868829)	CN601733421		
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	08/31/2010	(875700)	CN601733421		
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	09/30/2010	(883258)	CN601733421		
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	10/14/2010	(845960)	CN601733421		
Self Report?	NO			Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements, No. 1 PERMIT				
Description:	Failure to properly maintain the chlorine contact basin.				
Self Report?	NO			Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(c)				
Description:	Failure to maintain the standby pump at the onsite lift station.				
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 (WWTP).				
Self Report?	NO			Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(9)				
Description:	Failure to submit noncompliance notification.				
Self Report?	NO			Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) ELMR, No. 2 PERMIT				

Description: Failure to maintain compliance with the permitted effluent limits for total chlorine residual.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.6  
30 TAC Chapter 319, SubChapter A 319.9(d)

Description: Failure to perform the Quality Assurance/Quality Control (QA/QC) analysis for the total chlorine residual.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
ELMR, No. 4 PERMIT

Description: Failure to prevent the discharge of floating solids from the wastewater treatment plant (WWTP) to the receiving stream.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, No. 7 PERMIT

Description: Failure to submit notification at least 45 days prior to plant startup of the final phase.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(e)

Description: Failure to properly complete the discharge monitoring reports (DMRs).

Date 03/31/2011 (930317) CN601733421

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>MONTGOMERY COUNTY</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>MUNICIPAL UTILITY DISTRICT NO.</b>	<b>§</b>	
<b>89</b>	<b>§</b>	
<b>RN102335346</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2011-1214-MWD-E**

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 Municipal Utility District No. 89 (“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 presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located at 29722-1/2 Legends Ridge Drive #2, approximately 5,200 feet north of the intersection of Riley Fussell Road and Rayford Road in Montgomery County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on May 11, 2011, TCEQ staff documented that the Respondent did not prevent the unauthorized discharge of sludge into or adjacent to water in the state. Specifically, sludge was observed on the surface of the receiving stream approximately 25 feet upstream of the discharge pipe and approximately 170 feet downstream of the discharge pipe. Approximately 500 gallons was discharged.
4. During an investigation on May 11, 2011, TCEQ staff documented that the Respondent did not submit noncompliance notifications for the unauthorized discharge that occurred on May 11, 2011 and for the effluent exceedance of ammonia nitrogen by more than 40% during the month of August 2010.
5. During a record review on August 9, 2011, TCEQ staff documented that the Respondent exceeded the permitted effluent limits as shown in the table below:

<i>Month/Year</i>	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Daily Avg. Loading	NH <sub>3</sub> -N Daily Avg. Single Grab Conc.	Total Residual Chlorine Monthly Minimum	Flow
<i>Month/Year</i>	3 mg/L	3.8 lbs/day	15 mg/L	1 mg/L	.15 MGD
July 2010	c	c	c	c	0.393
August 2010	6	9.69	c	c	c
September 2010	c	4.08	15.2	c	c
March 2011	c	c	c	0.88	c

mg/L = milligrams per liter; lbs/day = pounds per day; c= compliant; avg. = average; conc. = concentration; NH<sub>3</sub>-N= ammonia nitrogen; MGD=million gallons per day

6. The Respondent received notice of the violations on July 10, 2011.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By May 17, 2011, submitted documentation that the sludge was removed from the receiving stream and the chlorine contact chamber had been cleaned;

- b. On June 1, 2011, submitted the noncompliance notifications for the unauthorized discharge and the effluent violation and provided additional employee oversight and instructions to ensure that the noncompliance notifications are submitted timely; and
- c. By June 30, 2011, the Respondent returned to compliance with permitted effluent limitations by repairing the aeration system, the blower and the chlorine feeder line.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge of sludge into the receiving stream, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013985001, Permit Condition No. 2.d., TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.125(4).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit noncompliance notifications to the TCEQ regional office within 24 hours of unauthorized discharges and within five working days of any effluent violations which deviate from the permitted effluent limitations, in violation of TEX. WATER CODE § 26.039(b) and TPDES Permit No. WQ0013985001, Monitoring and Reporting Requirements Nos. 7.a. and 7.c.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0013985001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Seventeen Thousand Five Hundred Dollar (\$17,500) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Montgomery County Municipal Utility District No. 89, Docket No. 2011-1214-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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.
6. 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.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

11/16/12  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Montgomery County Municipal Utility District No. 89. I am authorized to agree to the attached Agreed Order on behalf of Montgomery County Municipal Utility District No. 89, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Montgomery County Municipal Utility District No. 89 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

4/05/2012  
Date

Greg Grant  
Name (Printed or typed)  
Authorized Representative of  
Montgomery County Municipal Utility District No. 89

Vice President  
Title

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