

**Executive Summary – Enforcement Matter – Case No. 49111**  
**Montgomery County Municipal Utility District No. 112**  
**RN104815238**  
**Docket No. 2014-1156-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:**

Montgomery County MUD 112 WWTP, located at 997 Jacobs Lake Boulevard, Conroe, 4,000 feet north of Farm-to-Market ("FM") Road 1488 and 10,100 feet west of IH-45, Montgomery County, with an associated collection system and lift station located at 359 Carriage Hills Boulevard, Conroe

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** November 7, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,750

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

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

**Total Paid to General Revenue:** \$9,750

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49111  
Montgomery County Municipal Utility District No. 112  
RN104815238  
Docket No. 2014-1156-MWD-E**

***Investigation Information***

**Complaint Date(s):** June 18, 2014

**Complaint Information:** Alleged sewage was discharging into the Rice Branch Creek located at the intersection of Carriage Hills Boulevard and FM Road 1488 in Conroe. The complainant also stated that the sewage was running through W. Goodrich Jones State Forest.

**Date(s) of Investigation:** June 19, 2014

**Date(s) of NOE(s):** July 25, 2014

***Violation Information***

Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 217.63(c) and 305.125(1) and (4), and Texas Pollutant Discharge Elimination System Permit No. WQ0014671001, Permit Conditions Nos. 2.d and 2.g.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 18, 2014, the Respondent had:

- a. Vacuumed and properly disposed of 48,000 gallons of wastewater;
- b. Flushed the collection system;
- c. Removed and properly disposed of the dead fish, cleaned and disinfected the affected area of the creek bank;
- d. Flushed the stream segment with potable water; and
- e. Replaced the cellular modem.

**Technical Requirements:**

N/A

***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

**Executive Summary – Enforcement Matter – Case No. 49111**  
**Montgomery County Municipal Utility District No. 112**  
**RN104815238**  
**Docket No. 2014-1156-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Raymond Mejia, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-5460; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Robert Shucker, President, Montgomery County Municipal Utility  
District No. 112, 3 Greenway Plaza, Suite 2000, Houston, Texas 77046

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	25-Jul-2014	<b>Screening</b>	8-Aug-2014	<b>EPA Due</b>	
	<b>PCW</b>	14-Aug-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Montgomery County Municipal Utility District No. 112				
<b>Reg. Ent. Ref. No.</b>	RN104815238				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49111	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1156-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>	Raymond Mejia
		<b>EC's Team</b>	Enforcement Team 1
<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>	<b>\$15,000</b>
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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>	-10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$1,500</b>
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Notes: Reduction for high performer classification.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>-\$3,750</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$3	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,366	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,750</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$9,750</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,750</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$9,750</b>
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Screening Date 8-Aug-2014

Docket No. 2014-1156-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 112

Policy Revision 4 (April 2014)

Case ID No. 49111

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104815238

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

### 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> )	0	0%
	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 judgments 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)** 0%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 8-Aug-2014

Docket No. 2014-1156-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 112

Policy Revision 4 (April 2014)

Case ID No. 49111

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104815238

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 217.63(c) and 305.125(1) and (4), and Texas Pollutant Discharge Elimination System Permit No. WQ0014671001, Permit Conditions Nos. 2.d and 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on June 19, 2014. Specifically, a power surge at a lift station located at 359 Carriage Hills Boulevard in Conroe, Texas caused a circuit breaker to trip and the wet well high level alarm transmitter to fail, which resulted in an unauthorized discharge of wastewater between June 16, 2014 and June 18, 2014. An estimated 48,000 to 50,000 gallons of wastewater discharged into the Rice Branch Creek, resulting in a fish kill of approximately 117 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two daily events are recommended from the date of discharge (June 16, 2014) to the date of compliance (June 18, 2014).

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance on June 18, 2014.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

## Economic Benefit Worksheet

**Respondent** Montgomery County Municipal Utility District No. 112  
**Case ID No.** 49111  
**Reg. Ent. Reference No.** RN104815238  
**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	\$150	16-Jun-2014	18-Jun-2014	0.01	\$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	\$9,216	16-Jun-2014	18-Jun-2014	0.01	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to vacuum and properly dispose of 48,000 gallons of wastewater, flush the collection system, remove and properly dispose of the dead fish, clean and disinfect the affected area of the creek bank, flush the stream segment with potable water, and replace the cellular modem. Date required is the date of the unauthorized discharge. 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

	\$9,366
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**TOTAL**

	\$3
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603055559, RN104815238, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN603055559, Montgomery County  
Municipal Utility District No. 112      **Classification:** HIGH      **Rating:** 0.00

**Regulated Entity:** RN104815238, MONTGOMERY COUNTY  
MUD 112 WWTP      **Classification:** HIGH      **Rating:** 0.00

**Complexity Points:** 8      **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** AT 997 JACOBS LAKE BOULEVARD, CONROE, 4,000 FEET NORTH OF FARM-TO-MARKET-ROAD 1488 AND  
10,100 FEET WEST OF INTERSTATE HIGHWAY 45 IN MONTGOMERY COUNTY, TEXAS WITH AN ASSOCIATED  
COLLECTION SYSTEM AND LIFT STATION LOCATED AT 359 CARRIAGE HILLS BOULEVARD IN CONROE, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0014671001      **WASTEWATER EPA ID** TX0128431

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** August 27, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 27, 2009 to August 27, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Raymond Mejia      **Phone:** (512) 239-5460

### Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, 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

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	September 20, 2009	(821892)
Item 2	October 16, 2009	(1137479)
Item 3	November 19, 2009	(1137484)
Item 4	December 18, 2009	(1137488)

Item 5	January 19, 2010	(1137492)
Item 6	February 19, 2010	(821889)
Item 7	March 19, 2010	(836992)
Item 8	April 22, 2010	(836993)
Item 9	May 19, 2010	(836994)
Item 10	June 16, 2010	(931620)
Item 11	July 19, 2010	(931621)
Item 12	August 18, 2010	(869205)
Item 13	September 17, 2010	(876089)
Item 14	October 20, 2010	(883683)
Item 15	November 18, 2010	(890038)
Item 16	December 17, 2010	(898452)
Item 17	January 18, 2011	(904295)
Item 18	February 18, 2011	(911175)
Item 19	March 17, 2011	(918458)
Item 20	April 20, 2011	(931619)
Item 21	May 18, 2011	(940197)
Item 22	June 20, 2011	(947578)
Item 23	July 19, 2011	(954837)
Item 24	August 19, 2011	(961420)
Item 25	September 20, 2011	(967549)
Item 26	September 23, 2011	(941228)
Item 27	November 17, 2011	(1137485)
Item 28	December 14, 2011	(1137489)
Item 29	January 19, 2012	(1137493)
Item 30	February 20, 2012	(1000184)
Item 31	March 19, 2012	(1005671)
Item 32	April 20, 2012	(1012239)
Item 33	May 18, 2012	(1018641)
Item 34	July 19, 2012	(1033696)
Item 35	August 31, 2012	(1040252)
Item 36	September 20, 2012	(1049227)
Item 37	October 19, 2012	(1137481)
Item 38	November 19, 2012	(1137486)
Item 39	December 17, 2012	(1137490)
Item 40	January 18, 2013	(1137494)
Item 41	February 20, 2013	(1083641)
Item 42	March 19, 2013	(1091552)
Item 43	April 19, 2013	(1097897)
Item 44	May 17, 2013	(1108932)
Item 45	June 19, 2013	(1112488)
Item 46	July 18, 2013	(1119448)
Item 47	September 16, 2013	(1131730)
Item 48	September 27, 2013	(1127198)
Item 49	October 18, 2013	(1137482)
Item 50	November 14, 2013	(1142898)
Item 51	December 17, 2013	(1149312)
Item 52	January 13, 2014	(1155421)
Item 53	February 07, 2014	(1162741)
Item 54	March 19, 2014	(1169339)
Item 55	April 16, 2014	(1176538)
Item 56	May 09, 2014	(1182787)
Item 57	June 11, 2014	(1189656)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**i. Type of environmental management systems (EMSs):**

N/A

**l. Voluntary on-site compliance assessment dates:**

N/A

**l. Participation in a voluntary pollution reduction program:**

N/A

**l. 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</b>	<b>§</b>	
<b>NO. 112</b>	<b>§</b>	
<b>RN104815238</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2014-1156-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. 112 (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 it has 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 plant located at 997 Jacobs Lake Boulevard, Conroe, 4,000 feet north of Farm-to-Market Road 1488 and 10,100 feet west of Interstate Highway 45 in Montgomery County, Texas (the "Facility") with an associated collection system and lift station located at 359 Carriage Hills Boulevard in Conroe, Texas.
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on June 19, 2014, TCEQ staff documented that a power surge at a lift station located at 359 Carriage Hills Boulevard in Conroe, Texas caused a circuit breaker to trip and the wet well high level alarm transmitter to fail, which resulted in an unauthorized discharge of wastewater between June 16, 2014 and June 18, 2014. An estimated 48,000 to 50,000 gallons of wastewater discharged into the Rice Branch Creek, resulting in a fish kill of approximately 117 fish.
4. The Respondent received notice of the violations on July 28, 2014.
5. The Executive Director recognizes that by June 18, 2014, the Respondent had implemented the following corrective measures:
  - a. Vacuumed and properly disposed of 48,000 gallons of wastewater;
  - b. Flushed the collection system;
  - c. Removed and properly disposed of the dead fish, cleaned and disinfected the affected area of the creek bank;
  - d. Flushed the stream segment with potable water; and
  - e. Replaced the cellular modem.

### **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 unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 217.63(c) and 305.125(1) and (4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014671001, Permit Conditions Nos. 2.d and 2.g.
3. 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.
4. An administrative penalty in the amount of Nine Thousand Seven Hundred Fifty Dollars (\$9,750) 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 Nine Thousand Seven Hundred Fifty Dollar (\$9,750) 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 Nine Thousand Seven Hundred Fifty Dollars (\$9,750) as set forth in Section II, Paragraph 4 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. 112, Docket No. 2014-1156-MWD-E" to:

Financial Administration Division, Revenue Operations 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

2/6/15

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Montgomery County Municipal Utility District No. 112. I am authorized to agree to the attached Agreed Order on behalf of Montgomery County Municipal Utility District No. 112, 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. 112 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

10/7/2014

Date

ROBERT C. SCHWICKER

Name (Printed or typed)

PRES

Title

Authorized Representative of  
Montgomery County Municipal Utility District No. 112

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