

**Executive Summary – Enforcement Matter – Case No. 49026**  
**Clear Lake City Water Authority**  
**RN101440485**  
**Docket No. 2014-1035-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Robert T. Savely Water Reclamation Facility, at 14210 Middlebrook Drive, approximately one mile northeast of the intersection of Bay Area Boulevard and Space Center Boulevard, southeast of Horsepen Bayou and adjacent to the northernmost part of the Lyndon B. Johnson Space Center, Harris County

**Type of Operation:**

Water reclamation facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 14, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,725

**Amount Deferred for Expedited Settlement:** \$2,745

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

**Total Paid to General Revenue:** \$10,980

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49026  
Clear Lake City Water Authority  
RN101440485  
Docket No. 2014-1035-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 10, 2014  
**Date(s) of NOE(s):** July 15, 2014

***Violation Information***

Failed to comply with permitted effluent limits for total zinc and *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010539001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 24, 2014, the Respondent has authorized an independent accredited laboratory to conduct water effect ratio analyses for zinc in order to determine if permit discharge limits should be re-evaluated.

**Technical Requirements:**

The Order will require the Respondent to, within 330 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010539001, including specific corrective actions that implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate 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

**Executive Summary – Enforcement Matter – Case No. 49026**  
**Clear Lake City Water Authority**  
**RN101440485**  
**Docket No. 2014-1035-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Austin Henck, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-6155; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** James Byrd, General Manager, Clear Lake City Water Authority, 900  
Bay Area Boulevard, Houston, Texas 77058

**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>	21-Jul-2014	<b>Screening</b>	22-Jul-2014	<b>EPA Due</b>	5-Sep-2014
	<b>PCW</b>	28-Jul-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Clear Lake City Water Authority
<b>Reg. Ent. Ref. No.</b>	RN101440485
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49026	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1035-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Gregory Zychowski
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$11,250**

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

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

**Compliance History** **22.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,475**

Notes: Enhancement for four months of self-reported effluent violations, and one NOV with dissimilar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts \$1,734  
Estimated Cost of Compliance \$21,341  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$13,725**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$13,725**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$13,725**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,745**

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** **\$10,980**

**Screening Date** 22-Jul-2014

**Docket No.** 2014-1035-MWD-E

**PCW**

**Respondent** Clear Lake City Water Authority

Policy Revision 4 (April 2014)

**Case ID No.** 49026

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101440485

**Media [Statute]** Water Quality

**Enf. Coordinator** Gregory Zychowski

**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> )	4	20%
	Other written NOVs	1	2%
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)** 22%

>> **Repeat Violator (Subtotal 3)**

No

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

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for four months of self-reported effluent violations, and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 22%

Screening Date 22-Jul-2014

Docket No. 2014-1035-MWD-E

PCW

Respondent Clear Lake City Water Authority

Policy Revision 4 (April 2014)

Case ID No. 49026

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101440485

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

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. WQ0010539001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on July 10, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate total zinc to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Enterococci bacteria was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 120 Number of violation days

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

Violation Base Penalty \$11,250

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,734

Violation Final Penalty Total \$13,725

This violation Final Assessed Penalty (adjusted for limits) \$13,725

## Economic Benefit Worksheet

**Respondent** Clear Lake City Water Authority  
**Case ID No.** 49026  
**Reg. Ent. Reference No.** RN101440485  
**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)	\$21,341	31-Oct-2013	11-Feb-2017	3.28	\$3,505	n/a	\$3,505

#### Notes for DELAYED costs

Estimated costs for water effect ratio (WER) testing for zinc. The Respondent has authorized an independent accredited laboratory to conduct WER testing, in order to determine if permit discharge limits should be re-evaluated. Date required is the initial date of noncompliance. Final date is the anticipated 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

\$21,341

**TOTAL**

\$3,505

<p style="text-align: center;"><b>Clear Lake City Water Authority</b>  <b>Docket No. 2014-1035-MWD-E</b>  <b>TPDES Permit No. WQ0010539001</b></p>			
<p style="text-align: center;"><b>Effluent Parameter Violation Table</b></p>			
	<p style="text-align: center;"><b>Zinc, total</b></p>		<p style="text-align: center;"><b><i>Enterococci</i></b></p>
	<p style="text-align: center;">Daily Average Concentration</p>	<p style="text-align: center;">Daily Maximum Concentration</p>	<p style="text-align: center;">Daily Maximum Concentration</p>
<p style="text-align: center;"><b>Month/Year</b></p>	<p style="text-align: center;">Limit = 0.08 mg/L</p>	<p style="text-align: center;">Limit = 0.17 mg/L</p>	<p style="text-align: center;">Limit = 89 CFU/100 mL</p>
<p style="text-align: center;">October 2013</p>	c	c	185
<p style="text-align: center;">February 2014</p>	0.096	0.173	c
<p style="text-align: center;">March 2014</p>	0.131	0.504	c
<p style="text-align: center;">April 2014</p>	0.143	0.195	c

c = compliant

mg/L = milligrams per liter

CFU/100 mL = colony-forming units  
per 100 milliliters





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

Item 1	January 19, 2010	(806015)	Item 21	February 21, 2012	(998134)
Item 2	February 22, 2010	(806014)	Item 22	March 19, 2012	(1003651)
Item 3	March 18, 2010	(831347)	Item 23	June 21, 2012	(1024343)
Item 4	April 08, 2010	(831348)	Item 24	July 20, 2012	(1031726)
Item 5	June 21, 2010	(846415)	Item 25	August 20, 2012	(1038101)
Item 6	July 01, 2010	(860993)	Item 26	September 21, 2012	(1046844)
Item 7	August 23, 2010	(867001)	Item 27	November 19, 2012	(1061513)
Item 8	September 22, 2010	(874054)	Item 28	December 19, 2012	(1061514)
Item 9	October 22, 2010	(881666)	Item 29	February 21, 2013	(1079308)
Item 10	December 20, 2010	(896423)	Item 30	March 25, 2013	(1089471)
Item 11	January 11, 2011	(896422)	Item 31	May 17, 2013	(1106791)
Item 12	February 17, 2011	(909243)	Item 32	June 25, 2013	(1110463)
Item 13	March 21, 2011	(916499)	Item 33	July 19, 2013	(1117347)
Item 14	April 13, 2011	(925207)	Item 34	August 21, 2013	(1125112)
Item 15	May 20, 2011	(938183)	Item 35	September 24, 2013	(1129700)
Item 16	June 21, 2011	(945560)	Item 36	September 25, 2013	(1135438)
Item 17	July 14, 2011	(936973)	Item 37	December 23, 2013	(1147295)
Item 18	August 26, 2011	(959467)	Item 38	February 21, 2014	(1160695)
Item 19	September 21, 2011	(965499)			
Item 20	November 21, 2011	(977708)			

**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.

- 1 Date: 10/31/2013 (1140833) CN600270102  
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
- 2 Date: 02/19/2014 (1146962) CN600270102  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter C 319.302(b)  
Description: Failed to notify the appropriate local government officials and the local media of an unauthorized discharge.
- 3 Date: 02/28/2014 (1167347) CN600270102  
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
- 4 Date: 03/31/2014 (1174473) CN600270102  
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
- 5 Date: 04/30/2014 (1180665) CN600270102  
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  
CLEAR LAKE CITY WATER  
AUTHORITY  
RN101440485**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-1035-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Clear Lake City Water Authority ("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 together stipulate that:

1. The Respondent owns and operates a water reclamation facility located at 14210 Middlebrook Drive, approximately one mile northeast of the intersection of Bay Area Boulevard and Space Center Boulevard, southeast of Horsepen Bayou and adjacent to the northernmost part of the Lyndon B. Johnson Space Center 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 Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on July 18, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirteen Thousand Seven Hundred Twenty-Five Dollars (\$13,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Nine Hundred Eighty Dollars (\$10,980) of the administrative penalty and Two Thousand Seven Hundred Forty-Five Dollars (\$2,745) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by July 24, 2014, the Respondent has authorized an independent accredited laboratory to conduct water effect ratio (WER) analyses for zinc, in order to determine if permit discharge limits should be re-evaluated.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, 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. WQ0010539001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 10, 2014 and shown in the violation table below.

<b>Effluent Parameter Violation Table</b>			
	<b>Zinc, total</b>		<b>Enterococci</b>
	Daily Average Concentration	Daily Maximum Concentration	Daily Maximum Concentration
<b>Month/Year</b>	Limit = 0.08 mg/L	Limit = 0.17 mg/L	Limit = 89 CFU/100 mL
October 2013	c	c	185
February 2014	0.096	0.173	c
March 2014	0.131	0.504	c
April 2014	0.143	0.195	c

c = compliant                      mg/L = milligrams per liter                      CFU/100 mL = colony-forming units per 100 milliliters

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Clear Lake City Water Authority, Docket No. 2014-1035-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. It is further ordered that the Respondent shall, within 330 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010539001, including specific corrective actions that implemented at the Facility to achieve compliance and copies of the most current self-reported Discharge Monitoring Reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Donna Murray*  
For the Executive Director

2/18/14  
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.

*Jennifer Morrow*  
Signature

8/10/2015  
Date

Jennifer Morrow  
Name (Printed or typed)  
Authorized Representative of  
Clear Lake City Water Authority

General Manager  
Title

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