

Executive Summary – Enforcement Matter – Case No. 60101
West Harris County Municipal Utility District 10
RN101609790
Docket No. 2020-1585-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:

Winchester Regional WWTP, 9606 Rio Grande Drive, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 28, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,750

Total Paid to General Revenue: \$35,750

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 31, 2020

Date(s) of NOE(s): October 28, 2020

**Executive Summary – Enforcement Matter – Case No. 60101
West Harris County Municipal Utility District 10
RN101609790
Docket No. 2020-1585-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014072001, Effluent Limitations and Monitoring Requirement No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 30, 2020, the Respondent made adjustments to the chlorine contact chamber by transferring to the use of chlorine from liquid bleach and returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0014072001.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: M. Steven Mueller, President, West Harris County Municipal Utility District 10, 10000 Memorial Drive, Suite 260, Houston, Texas 77024

Respondent's Attorney: Law Firm of Young & Brooks, 10000 Memorial Drive, Suite 260, Houston, Texas 77024



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	2-Nov-2020	Screening	24-Nov-2020	EPA Due	
	PCW	7-Dec-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	West Harris County Municipal Utility District 10
Reg. Ent. Ref. No.	RN101609790
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60101	No. of Violations	2
Docket No.	2020-1585-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ellen Ojeda
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$32,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$6,500
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Notes: Enhancement for three self-reported effluent violations and one NOV with same/similar violations.

Culpability	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$585
Estimated Cost of Compliance: \$10,000
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment		\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

	Final Penalty Amount	\$35,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,750
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY		\$35,750
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Screening Date 24-Nov-2020

Docket No. 2020-1585-MWD-E

PCW

Respondent West Harris County Municipal Utility District 10

Policy Revision 4 (April 2014)

Case ID No. 60101

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609790

Media Water Quality

Enf. Coordinator Ellen Ojeda

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	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%
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) 20%

>> 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 three self-reported effluent violations and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 24-Nov-2020 **Docket No.** 2020-1585-MWD-E **PCW**
Respondent West Harris County Municipal Utility District 10 *Policy Revision 4 (April 2014)*
Case ID No. 60101 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101609790
Media Water Quality
Enf. Coordinator Ellen Ojeda

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014072001, Effluent Limitations and Monitoring Requirement No. 1
Violation Description Failed to comply with permitted effluent limitations. Specifically, the Escherichia coli daily maximum concentration limit of 200 colony forming units per 100 milliliters ("CFU/100 mL") was exceeded for the month of September 2019 (7,900 CFU/100 mL).
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes *Escherichia coli* was evaluated to determine whether the discharged amount of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One monthly event is recommended for the month of September 2019.

Good Faith Efforts to Comply 10.0% Reduction \$2,500

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on November 30, 2020.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$585

Violation Final Penalty Total \$27,500

This violation Final Assessed Penalty (adjusted for limits) \$27,500

Economic Benefit Worksheet

Respondent West Harris County Municipal Utility District 10
Case ID No. 60101
Reg. Ent. Reference No. RN101609790
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Sep-2019	30-Nov-2020	1.17	\$585	n/a	\$585

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the chlorine contact chamber and return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$585

Screening Date 24-Nov-2020 **Docket No.** 2020-1585-MWD-E **PCW**
Respondent West Harris County Municipal Utility District 10 *Policy Revision 4 (April 2014)*
Case ID No. 60101 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101609790
Media Water Quality
Enf. Coordinator Ellen Ojeda

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014072001, Effluent Limitations and Monitoring Requirement No. 1

Violation Description Failed to comply with permitted effluent limitations. Specifically, the *Escherichia coli* daily maximum concentration limit of 200 CFU/100 mL was exceeded for the month of October 2019 (>2,419.6 CFU/100 mL).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes *Escherichia coli* was evaluated to determine whether the discharged amount of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended for the month of October 2019.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent achieved compliance on November 30, 2020.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Harris County Municipal Utility District 10
Case ID No. 60101
Reg. Ent. Reference No. RN101609790
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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. 1.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

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Compliance History Report

Compliance History Report for CN600740146, RN101609790, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600740146, West Harris County Municipal Utility District 10 **Classification:** SATISFACTORY **Rating:** 0.92
Regulated Entity: RN101609790, WINCHESTER REGIONAL WWTP **Classification:** SATISFACTORY **Rating:** 0.92
Complexity Points: 8 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: 9606 Rio Grande Drive, in Harris County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0014072001

WASTEWATER EPA ID TX0082317

STORMWATER PERMIT TXR05Q819

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: March 29, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 29, 2016 to March 29, 2021

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

Name: Ellen Ojeda

Phone: (512) 239-2581

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

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	May 12, 2016	(1346822)
Item 2	July 19, 2016	(1360216)
Item 3	September 14, 2016	(1373354)
Item 4	November 16, 2016	(1385479)
Item 5	November 18, 2016	(1398234)
Item 6	December 19, 2016	(1391610)
Item 7	February 16, 2017	(1405125)
Item 8	March 14, 2017	(1412210)
Item 9	April 10, 2017	(1418710)
Item 10	May 08, 2017	(1426372)
Item 11	June 15, 2017	(1432363)
Item 12	July 28, 2017	(1409888)
Item 13	August 16, 2017	(1444608)

Item 14	October 17, 2017	(1457066)
Item 15	November 10, 2017	(1462520)
Item 16	December 13, 2017	(1468914)
Item 17	January 15, 2018	(1475620)
Item 18	February 14, 2018	(1487804)
Item 19	March 14, 2018	(1491491)
Item 20	April 19, 2018	(1494739)
Item 21	June 11, 2018	(1508784)
Item 22	July 13, 2018	(1515111)
Item 23	September 14, 2018	(1528346)
Item 24	October 15, 2018	(1534685)
Item 25	December 14, 2018	(1546282)
Item 26	February 18, 2019	(1562917)
Item 27	March 15, 2019	(1562918)
Item 28	April 17, 2019	(1572903)
Item 29	May 17, 2019	(1585408)
Item 30	June 18, 2019	(1585409)
Item 31	September 16, 2019	(1600555)
Item 32	December 12, 2019	(1627476)
Item 33	January 13, 2020	(1635109)
Item 34	February 24, 2020	(1641724)
Item 35	March 06, 2020	(1648238)
Item 36	March 17, 2020	(1654590)
Item 37	May 14, 2020	(1661156)
Item 38	September 10, 2020	(1687982)
Item 39	October 07, 2020	(1694334)
Item 40	October 13, 2020	(1677714)

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: 05/31/2020 (1667685)
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: 06/30/2020 (1674633)
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

- 3 Date: 07/31/2020 (1681405)
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: 03/09/2021 (1698560)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failed to prevent the unauthorized discharge of wastewater.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 3/29/2016 and 3/29/2021

- | | | | | | | |
|----|--------------|--|-----------|---------------------------------|-----------------|----------|
| 1 | Date: | 05/31/2016 | (1353251) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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: | 07/31/2016 | (1366657) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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 | | | | |
| 3 | Date: | 09/30/2016 | (1379531) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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: | 06/30/2017 | (1440916) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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: | 08/31/2017 | (1451192) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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 | | | | |
| 6 | Date: | 04/30/2018 | (1501691) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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 | | | | |
| 7 | Date: | 07/31/2018 | (1521162) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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 | | | | |
| 8 | Date: | 10/31/2018 | (1542519) | | Classification: | Moderate |
| | Self Report? | YES | | For Informational Purposes Only | | |
| | 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 | | | | |
| 9* | Date: | 09/30/2019 | (1614338) | | Classification: | Moderate |

	Self Report?	YES	For Informational Purposes Only
	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	
10*	Date:	10/31/2019 (1620129)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
11*	Date:	05/31/2020 (1667685)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
12*	Date:	06/30/2020 (1674633)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
13*	Date:	07/31/2020 (1681405)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
14	Date:	03/09/2021 (1698560)	Classification: Moderate
	Self Report?	NO	For Informational Purposes Only
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failed to prevent the unauthorized discharge of wastewater.	
			Classification: Moderate
	Self Report?	NO	For Informational Purposes Only
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.	

* NOV's applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B
All Investigations Conducted During Component Period March 29, 2016 and March 29, 2021**

Item 1*	May 12, 2016**	(1346822) For Informational Purposes Only
Item 2	June 20, 2016**	(1353251) For Informational Purposes Only
Item 3*	July 19, 2016**	(1360216) For Informational Purposes Only
Item 4*	September 14, 2016**	(1373354) For Informational Purposes Only

(1366657)
Item 5 September 21, 2016** For Informational Purposes Only
(1379531)
Item 6 October 12, 2016** For Informational Purposes Only
(1385479)
Item 7* November 16, 2016** For Informational Purposes Only
(1398234)
Item 8* November 18, 2016** For Informational Purposes Only
(1391610)
Item 9* December 19, 2016** For Informational Purposes Only
(1405125)
Item 10* February 16, 2017** For Informational Purposes Only
(1412210)
Item 11* March 14, 2017** For Informational Purposes Only
(1418710)
Item 12* April 10, 2017** For Informational Purposes Only
(1426372)
Item 13* May 08, 2017** For Informational Purposes Only
(1432363)
Item 14* June 15, 2017** For Informational Purposes Only
(1440916)
Item 15 June 27, 2017** For Informational Purposes Only
(1409888)
Item 16* July 28, 2017** For Informational Purposes Only
(1444608)
Item 17* August 16, 2017** For Informational Purposes Only
(1451192)
Item 18 September 21, 2017** For Informational Purposes Only
(1457066)
Item 19* October 17, 2017** For Informational Purposes Only
(1462520)
Item 20* November 10, 2017** For Informational Purposes Only
(1468914)
Item 21* December 13, 2017** For Informational Purposes Only
(1475620)
Item 22* January 15, 2018** For Informational Purposes Only
(1487804)
Item 23* February 14, 2018** For Informational Purposes Only
(1491491)
Item 24* March 14, 2018** For Informational Purposes Only
(1494739)
Item 25* April 19, 2018** For Informational Purposes Only
(1501691)

Item 26	May 14, 2018**	For Informational Purposes Only (1508784)
Item 27*	June 11, 2018**	For Informational Purposes Only (1515111)
Item 28*	July 13, 2018**	For Informational Purposes Only (1521162)
Item 29	September 13, 2018**	For Informational Purposes Only (1528346)
Item 30*	September 14, 2018**	For Informational Purposes Only (1534685)
Item 31*	October 15, 2018**	For Informational Purposes Only (1542519)
Item 32	November 19, 2018**	For Informational Purposes Only (1546282)
Item 33*	December 14, 2018**	For Informational Purposes Only (1562917)
Item 34*	February 18, 2019**	For Informational Purposes Only (1562918)
Item 35*	March 15, 2019**	For Informational Purposes Only (1572903)
Item 36*	April 17, 2019**	For Informational Purposes Only (1585408)
Item 37*	May 17, 2019**	For Informational Purposes Only (1585409)
Item 38*	June 18, 2019**	For Informational Purposes Only (1600555)
Item 39*	September 16, 2019**	For Informational Purposes Only (1614338)
Item 40	October 14, 2019**	For Informational Purposes Only (1620129)
Item 41	November 13, 2019**	For Informational Purposes Only (1627476)
Item 42*	December 12, 2019**	For Informational Purposes Only (1635109)
Item 43*	January 13, 2020**	For Informational Purposes Only (1641724)
Item 44*	February 24, 2020**	For Informational Purposes Only (1648238)
Item 45*	March 06, 2020**	For Informational Purposes Only (1654590)
Item 46*	March 17, 2020**	For Informational Purposes Only (1661156)

Item 47*	May 14, 2020**	For Informational Purposes Only (1667685)
Item 48	June 17, 2020**	For Informational Purposes Only (1687982)
Item 49*	September 10, 2020	For Informational Purposes Only (1681405)
Item 50	September 21, 2020	For Informational Purposes Only (1694334)
Item 51*	October 07, 2020	For Informational Purposes Only (1677714)
Item 52*	October 13, 2020	For Informational Purposes Only (1665850)
Item 53	October 30, 2020	For Informational Purposes Only (1698560)
Item 54	March 09, 2021	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEST HARRIS COUNTY
MUNICIPAL UTILITY
DISTRICT 10
RN101609790**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1585-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Harris County Municipal Utility District 10 (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, represented by the law firm of Young & Brooks, presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 9606 Rio Grande Drive in Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on July 31, 2020, an investigator documented that the *Escherichia coli* daily maximum concentration limit of 200 colony forming units per 100 milliliters ("CFU/100 mL") was exceeded for the months of September 2019 (7,900 CFU/100 mL) and October 2019 (>2,419.6 CFU/100 mL).
3. The Executive Director recognizes that by November 30, 2020, the Respondent made adjustments to the chlorine contact chamber by transferring to the use of chlorine from liquid bleach, and returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014072001.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0014072001, Effluent Limitations and Monitoring Requirement No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ'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 \$35,750 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$35,750 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Harris County Municipal Utility District 10, Docket No. 2020-1585-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.


5. 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 in this Order.
6. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
9. The effective date of this Order is the date it is signed by the Commission. 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

Date



5/18/2022

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

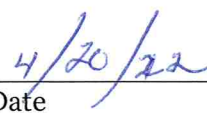
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature



Date



Name (Printed or typed)



Title

Authorized Representative of

West Harris County Municipal Utility District No. 10

If mailing address has changed, please check this box and provide the new address below:

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