

**Executive Summary – Enforcement Matter – Case No. 60348**  
**Harris County Municipal Utility District No. 49**  
**RN102916376**  
**Docket No. 2021-0236-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:**

Yes

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

Timberhills Permanent WWTF, 14947 1/2 Tranquility Court, Houston, 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:** April 15, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,187

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$17,187

Name of SEP: WWTP Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**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:** November 20, 2020

**Date(s) of NOE(s):** January 20, 2021

**Executive Summary – Enforcement Matter – Case No. 60348**  
**Harris County Municipal Utility District No. 49**  
**RN102916376**  
**Docket No. 2021-0236-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, *Escherichia coli*, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011919002, Interim Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011919002, including specific corrective actions that were 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.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Monica Larina, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-0184; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

**Respondent:** August Nunez, President, Harris County Municipal Utility District No. 49, 2727 Allen Parkway, Suite 1100, Houston, Texas 77019

**Respondent's Attorney:** Lori G. Aylett, Smith, Murdaugh, Little & Bonham, L.L.P., 2727 Allen Parkway, Suite 1100, Houston, Texas 77019



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

|              |                 |             |                  |            |                |
|--------------|-----------------|-------------|------------------|------------|----------------|
| <b>DATES</b> | <b>Assigned</b> | 1-Feb-2021  |                  |            |                |
|              | <b>PCW</b>      | 18-Mar-2021 | <b>Screening</b> | 1-Feb-2021 | <b>EPA Due</b> |

|  |   |
|--|---|
| <b>RESPONDENT/FACILITY INFORMATION</b> |   |
| <b>Respondent</b>                      | Harris County Municipal Utility District No. 49 |
| <b>Reg. Ent. Ref. No.</b>              | RN102916376                                     |
| <b>Facility/Site Region</b>            | 12-Houston                                      |
| <b>Major/Minor Source</b>              | Minor   |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 60348           | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2021-0236-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>      | Alyssa Loveday     |
|  |                 | <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>\$13,750</b> |
|---|-------------------|-----------------|

### 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> | 25.0% | Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$3,437</b> |
|---------------------------|-------|------------|--------------------------------|----------------|

|              |   |
|--------------|---|
| <b>Notes</b> | Enhancement for five months of self-reported effluent violations. |
|--------------|---|

|                    |    |      |             |                   |            |
|--------------------|----|------|-------------|-------------------|------------|
| <b>Culpability</b> | No | 0.0% | Enhancement | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|------|-------------|-------------------|------------|

|              |  |
|--------------|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |
|--------------|--|

|  |                   |            |
|--|-------------------|------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>\$0</b> |
|--|-------------------|------------|

|                         |      |              |                   |            |
|-------------------------|------|--------------|-------------------|------------|
| <b>Economic Benefit</b> | 0.0% | Enhancement* | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|------|--------------|-------------------|------------|

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts             | \$2,836  | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$25,000 |                                   |

|                             |                       |                 |
|-----------------------------|-----------------------|-----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$17,187</b> |
|-----------------------------|-----------------------|-----------------|

|   |      |            |            |
|---|------|------------|------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | Adjustment | <b>\$0</b> |
|---|------|------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> |  |
|--------------|--|

|                             |                 |
|-----------------------------|-----------------|
| <b>Final Penalty Amount</b> | <b>\$17,187</b> |
|-----------------------------|-----------------|

|                                   |                               |                 |
|-----------------------------------|-------------------------------|-----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$17,187</b> |
|-----------------------------------|-------------------------------|-----------------|

|                 |      |           |                   |            |
|-----------------|------|-----------|-------------------|------------|
| <b>DEFERRAL</b> | 0.0% | Reduction | <b>Adjustment</b> | <b>\$0</b> |
|-----------------|------|-----------|-------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |   |
|--------------|---|
| <b>Notes</b> | No deferral is recommended for Findings Orders. |
|--------------|---|

|                        |                 |
|------------------------|-----------------|
| <b>PAYABLE PENALTY</b> | <b>\$17,187</b> |
|------------------------|-----------------|

**Screening Date** 1-Feb-2021

**Docket No.** 2021-0236-MWD-E

**PCW**

**Respondent** Harris County Municipal Utility District No. 49

*Policy Revision 4 (April 2014)*

**Case ID No.** 60348

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102916376

**Media** Water Quality

**Enf. Coordinator** Alyssa Loveday

### 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> )  | 5      | 25%     |
|                               | 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)** 25%

**>> 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 five months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 25%

Screening Date 1-Feb-2021

Docket No. 2021-0236-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 49

Policy Revision 4 (April 2014)

Case ID No. 60348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102916376

Media Water Quality

Enf. Coordinator Alyssa Loveday

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. WQ0011919002, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR        | Release | Harm  |          |       | Percent |
|-----------|---------|-------|----------|-------|---------|
|           |         | Major | Moderate | Minor |         |
| Actual    | x       |       |          |       | 30.0%   |
| Potential |         |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm  |          |       | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               | Major | Moderate | Minor |         |
|              |               |       |          |       | 0.0%    |

A simplified model was used to evaluate ammonia nitrogen, carbonaceous biochemical oxygen demand, and flow to determine whether the discharged amounts of pollutants exceeded protective levels. Escherichia coli was also considered. 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 1 Number of violation days 31

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$7,500

One monthly event is recommended for the month of August 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |  |
|---------------|---|--|
| Extraordinary |   |  |
| Ordinary      |   |  |
| N/A           | x |  |

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 49  
**Case ID No.** 60348  
**Reg. Ent. Reference No.** RN102916376  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |   |  |  |      |     |     |     |
|--------------------------|---|--|--|------|-----|-----|-----|
| Equipment                |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |   |  |  | 0.00 | \$0 | \$0 | \$0 |
| Land                     |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |   |  |  | 0.00 | \$0 | n/a | \$0 |
| Notes for DELAYED costs  | See Economic Benefit for Violation No. 3. |  |  |      |     |     |     |

### Avoided Costs

**ANNUALIZE 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

Screening Date 1-Feb-2021

Docket No. 2021-0236-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 49

Policy Revision 4 (April 2014)

Case ID No. 60348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102916376

Media Water Quality

Enf. Coordinator Alyssa Loveday

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011919002, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | x        |       |
| Potential |       |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen, carbonaceous biochemical oxygen demand, and flow to determine whether the discharged amounts of pollutants exceeded protective levels. Total Suspended Solids and Escherichia coli were also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 31

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$3,750

One monthly event is recommended for the month of July 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |  |
|---------------|---|--|
| Extraordinary |   |  |
| Ordinary      |   |  |
| N/A           | x |  |

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 49  
**Case ID No.** 60348  
**Reg. Ent. Reference No.** RN102916376  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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 |
| <b>Notes for DELAYED costs</b> | See Economic Benefit for Violation No. 3. |  |  |      |     |     |     |

### 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 |
| <b>ONE-TIME avoided costs</b>  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)              |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| <b>Notes for AVOIDED costs</b> |  |  |  |      |     |     |     |

Approx. Cost of Compliance \$0

**TOTAL** \$0



Screening Date 1-Feb-2021

Docket No. 2021-0236-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 49

Policy Revision 4 (April 2014)

Case ID No. 60348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102916376

Media Water Quality

Enf. Coordinator Alyssa Loveday

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011919002, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          | x     | 5.0%    |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0.0%    |

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen, carbonaceous biochemical oxygen demand, and flow to determine whether the discharged amounts of pollutants exceeded protective levels. Total Suspended Solids and Escherichia coli were 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 violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 123 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of December 2019 and March, April, and May 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |  |
|---------------|---|--|
| Extraordinary |   |  |
| Ordinary      |   |  |
| N/A           | x |  |

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,836

Violation Final Penalty Total \$3,125

This violation Final Assessed Penalty (adjusted for limits) \$3,125

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 49  
**Case ID No.** 60348  
**Reg. Ent. Reference No.** RN102916376  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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)        | \$25,000 | 31-Dec-2019 | 7-Apr-2022 | 2.27 | \$2,836 | n/a | \$2,836 |

#### Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated 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

\$25,000

**TOTAL**

\$2,836

Harris County Municipal Utility District No. 49

TPDES Permit No. WQ0011919002

Docket No. 2021-0236-MWD-E

Case No. 60348

| Effluent Violation Table |                                    |                                     |  |  |  |                                     |                                   |
|--------------------------|------------------------------------|-------------------------------------|--|--|--|-------------------------------------|-----------------------------------|
| Monitoring Period        | Ammonia Nitrogen                   |                                     |  | Carbonaceous Biochemical Oxygen Demand (5-day) | <i>Escherichia coli</i>                    | Total Suspended Solids              |                                   |
|                          | Daily Average Conc. Limit = 2 mg/L | Daily Maximum Conc. Limit = 10 mg/L | Daily Average Loading Limit = 15 lbs/day | Daily Average Conc. Limit = 10 mg/L            | Daily Maximum Conc. Limit = 200 MPN/100 ml | Daily Average Conc. Limit = 15 mg/L | Single Grab Conc. Limit = 60 mg/L |
| December 2019            | <2.72                              | c                                   | c  | c  | c  | c                                   | c                                 |
| March 2020               | c                                  | c                                   | c  | c  | 248.9                                      | c                                   | c                                 |
| April 2020               | <2.41                              | c                                   | c  | 13.96  | c  | <15.38                              | c                                 |
| May 2020                 | c                                  | c                                   | c  | c  | c  | 20.4                                | c                                 |
| July 2020                | <5.91                              | 15.4                                | <27.3                                    | 11.5   | 2,419.6                                    | 16.6                                | 61.6                              |
| August 2020              | <11.5                              | 23.7                                | <55.1                                    | c  | 2,419.6                                    | c                                   | c                                 |

mg/L = milligrams per liter

c = compliant

Conc. = concentration

lbs/day = pounds per day

MPN/100 ml = most probable number per 100 milliliters

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600738983, RN102916376, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600738983, Harris County Municipal Utility District 49      **Classification:** SATISFACTORY      **Rating:** 1.23

**Regulated Entity:** RN102916376, TIMBERHILLS PERMANENT WWTF      **Classification:** SATISFACTORY      **Rating:** 1.23

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

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

**Location:** 14947 ½ Tranquility Court in Harris County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0011919002      **WASTEWATER EPA ID** TX0074446

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

**Date Compliance History Report Prepared:** March 18, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 18, 2016 to March 18, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Alyssa Loveday      **Phone:** (512) 239-5504

## 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  | April 20, 2016     | (1339875) | Item 13 | July 13, 2017      | (1440794) |
| Item 2  | May 12, 2016       | (1346696) | Item 14 | September 19, 2017 | (1451071) |
| Item 3  | June 20, 2016      | (1353123) | Item 15 | September 29, 2017 | (1444480) |
| Item 4  | July 20, 2016      | (1360092) | Item 16 | October 18, 2017   | (1456943) |
| Item 5  | September 15, 2016 | (1373213) | Item 17 | November 17, 2017  | (1462398) |
| Item 6  | September 21, 2016 | (1366534) | Item 18 | December 19, 2017  | (1468786) |
| Item 7  | October 13, 2016   | (1379403) | Item 19 | January 19, 2018   | (1475494) |
| Item 8  | November 14, 2016  | (1385353) | Item 20 | February 15, 2018  | (1487686) |
| Item 9  | December 14, 2016  | (1391486) | Item 21 | March 14, 2018     | (1491369) |
| Item 10 | February 14, 2017  | (1405004) | Item 22 | April 17, 2018     | (1494618) |
| Item 11 | March 10, 2017     | (1412087) | Item 23 | May 18, 2018       | (1501568) |
| Item 12 | April 19, 2017     | (1418585) | Item 24 | June 18, 2018      | (1508660) |

|         |                    |           |         |                    |           |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 25 | July 18, 2018      | (1514987) | Item 35 | July 18, 2019      | (1594143) |
| Item 26 | September 17, 2018 | (1528222) | Item 36 | September 16, 2019 | (1607339) |
| Item 27 | September 27, 2018 | (1521040) | Item 37 | October 16, 2019   | (1614216) |
| Item 28 | October 16, 2018   | (1534564) | Item 38 | November 20, 2019  | (1620009) |
| Item 29 | November 19, 2018  | (1542397) | Item 39 | December 18, 2019  | (1627356) |
| Item 30 | December 13, 2018  | (1546163) | Item 40 | February 19, 2020  | (1641604) |
| Item 31 | January 14, 2019   | (1562560) | Item 41 | March 13, 2020     | (1648117) |
| Item 32 | February 20, 2019  | (1562558) | Item 42 | April 28, 2020     | (1630447) |
| Item 33 | April 18, 2019     | (1572776) | Item 43 | July 13, 2020      | (1674514) |
| Item 34 | June 19, 2019      | (1585163) | Item 44 | October 16, 2020   | (1694209) |

**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: 03/31/2020 (1654465)  
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: 04/30/2020 (1661036)  
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: 05/31/2020 (1667565)  
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: 07/31/2020 (1681286)  
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: 08/31/2020 (1687860)  
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

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 3/18/2016 and 3/18/2021

- 1 Date: 12/31/2016 (1398107) 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: 04/30/2017 (1426248) 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: 05/31/2017 (1432226) 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: 02/28/2019 (1562559) 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: 04/30/2019 (1585162) 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: 07/31/2019 (1600434) 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: 12/31/2019 (1634989) 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: 03/31/2020 (1654465) 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: 04/30/2020 (1661036)

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: 05/31/2020 (1667565)

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: 07/31/2020 (1681286)

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: 08/31/2020 (1687860)

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

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B**

**All Investigations Conducted During Component Period March 18, 2016 and March 18, 2021**

- Item 1\* April 20, 2016\*\* (1339875) For Informational Purposes Only
- Item 2\* May 12, 2016\*\* (1346696) For Informational Purposes Only
- Item 3\* June 20, 2016\*\* (1353123) For Informational Purposes Only
- Item 4\* July 20, 2016\*\* (1360092) For Informational Purposes Only
- Item 5\* September 15, 2016\*\* (1373213) For Informational Purposes Only
- Item 6\* September 21, 2016\*\* (1366534) For Informational Purposes Only
- Item 7\* October 13, 2016\*\* (1379403) For Informational Purposes Only
- Item 8\* November 14, 2016\*\* (1385353) For Informational Purposes Only
- Item 9\* December 14, 2016\*\* (1391486) For Informational Purposes Only
- Item 10 January 16, 2017\*\* (1398107) For Informational Purposes Only

|          |                      |                                 |
|----------|----------------------|---------------------------------|
|          |                      | (1405004)                       |
| Item 11* | February 14, 2017**  | For Informational Purposes Only |
|          |                      | (1412087)                       |
| Item 12* | March 10, 2017**     | For Informational Purposes Only |
|          |                      | (1418585)                       |
| Item 13* | April 19, 2017**     | For Informational Purposes Only |
|          |                      | (1426248)                       |
| Item 14  | May 18, 2017**       | For Informational Purposes Only |
|          |                      | (1440794)                       |
| Item 15* | July 13, 2017**      | For Informational Purposes Only |
|          |                      | (1432226)                       |
| Item 16  | July 20, 2017**      | For Informational Purposes Only |
|          |                      | (1451071)                       |
| Item 17* | September 19, 2017** | For Informational Purposes Only |
|          |                      | (1444480)                       |
| Item 18* | September 29, 2017** | For Informational Purposes Only |
|          |                      | (1456943)                       |
| Item 19* | October 18, 2017**   | For Informational Purposes Only |
|          |                      | (1462398)                       |
| Item 20* | November 17, 2017**  | For Informational Purposes Only |
|          |                      | (1468786)                       |
| Item 21* | December 19, 2017**  | For Informational Purposes Only |
|          |                      | (1475494)                       |
| Item 22* | January 19, 2018**   | For Informational Purposes Only |
|          |                      | (1487686)                       |
| Item 23* | February 15, 2018**  | For Informational Purposes Only |
|          |                      | (1491369)                       |
| Item 24* | March 14, 2018**     | For Informational Purposes Only |
|          |                      | (1494618)                       |
| Item 25* | April 17, 2018**     | For Informational Purposes Only |
|          |                      | (1501568)                       |
| Item 26* | May 18, 2018**       | For Informational Purposes Only |
|          |                      | (1508660)                       |
| Item 27* | June 18, 2018**      | For Informational Purposes Only |
|          |                      | (1514987)                       |
| Item 28* | July 18, 2018**      | For Informational Purposes Only |
|          |                      | (1528222)                       |
| Item 29* | September 17, 2018** | For Informational Purposes Only |
|          |                      | (1521040)                       |
| Item 30* | September 27, 2018** | For Informational Purposes Only |
|          |                      | (1534564)                       |
| Item 31* | October 16, 2018**   | For Informational Purposes Only |



|          |                      |  |
|----------|----------------------|--|
| Item 32* | November 19, 2018**  | (1542397)<br>For Informational Purposes Only |
| Item 33* | December 13, 2018**  | (1546163)<br>For Informational Purposes Only |
| Item 34* | January 14, 2019**   | (1562560)<br>For Informational Purposes Only |
| Item 35* | February 20, 2019**  | (1562558)<br>For Informational Purposes Only |
| Item 36  | March 20, 2019**     | (1562559)<br>For Informational Purposes Only |
| Item 37* | April 18, 2019**     | (1572776)<br>For Informational Purposes Only |
| Item 38  | May 17, 2019**       | (1585162)<br>For Informational Purposes Only |
| Item 39* | June 19, 2019**      | (1585163)<br>For Informational Purposes Only |
| Item 40* | July 18, 2019**      | (1594143)<br>For Informational Purposes Only |
| Item 41* | September 16, 2019** | (1607339)<br>For Informational Purposes Only |
| Item 42  | September 25, 2019** | (1600434)<br>For Informational Purposes Only |
| Item 43* | October 16, 2019**   | (1614216)<br>For Informational Purposes Only |
| Item 44* | November 20, 2019**  | (1620009)<br>For Informational Purposes Only |
| Item 45* | December 18, 2019**  | (1627356)<br>For Informational Purposes Only |
| Item 46  | January 20, 2020**   | (1634989)<br>For Informational Purposes Only |
| Item 47* | February 19, 2020**  | (1641604)<br>For Informational Purposes Only |
| Item 48* | March 13, 2020**     | (1648117)<br>For Informational Purposes Only |
| Item 49  | April 14, 2020**     | (1654465)<br>For Informational Purposes Only |
| Item 50* | April 28, 2020**     | (1630447)<br>For Informational Purposes Only |
| Item 51  | May 19, 2020**       | (1661036)<br>For Informational Purposes Only |
|          |                      | (1667565)                                    |

|          |                    |  |
|----------|--------------------|--|
| Item 52  | June 18, 2020**    | For Informational Purposes Only<br>(1674514) |
| Item 53* | July 13, 2020**    | For Informational Purposes Only<br>(1681286) |
| Item 54  | August 19, 2020**  | For Informational Purposes Only<br>(1687860) |
| Item 55  | September 17, 2020 | For Informational Purposes Only<br>(1694209) |
| Item 56* | October 16, 2020   | For Informational Purposes Only<br>(1691458) |
| Item 57  | January 27, 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  
HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT No. 49  
RN102916376**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0236-MWD-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harris County Municipal Utility District No. 49 (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 Lori G. Aylett of the law firm of SMITH, MURDAUGH, LITTLE & BONHAM, L.L.P., presented this Order to the Commission.

The Respondent understands that they have 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 14947 1/2 Tranquility Court 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 November 20, 2020, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

| Monitoring Period | Ammonia Nitrogen                   |                                     |  | Carbonaceous Biochemical Oxygen Demand (5-day) | <i>Escherichia coli</i>                    | Total Suspended Solids              |                                   |
|-------------------|------------------------------------|-------------------------------------|--|--|--|-------------------------------------|-----------------------------------|
|                   | Daily Average Conc. Limit = 2 mg/L | Daily Maximum Conc. Limit = 10 mg/L | Daily Average Loading Limit = 15 lbs/day | Daily Average Conc. Limit = 10 mg/L            | Daily Maximum Conc. Limit = 200 MPN/100 ml | Daily Average Conc. Limit = 15 mg/L | Single Grab Conc. Limit = 60 mg/L |
| December 2019     | <2.72                              | c                                   | c  | c  | c  | c                                   | c                                 |
| March 2020        | c                                  | c                                   | c  | c  | 248.9                                      | c                                   | c                                 |
| April 2020        | <2.41                              | c                                   | c  | 13.96  | c  | <15.38                              | c                                 |
| May 2020          | c                                  | c                                   | c  | c  | c  | 20.4                                | c                                 |
| July 2020         | <5.91                              | 15.4                                | <27.3                                    | 11.5   | 2,419.6                                    | 16.6                                | 61.6                              |
| August 2020       | <11.5                              | 23.7                                | <55.1                                    | c  | 2,419.6                                    | c                                   | c                                 |

mg/L = milligrams per liter  
c = compliant  
Conc. = concentration

lbs/day = pounds per day  
MPN/100 ml = most probable number per 100 milliliters

## II. CONCLUSIONS OF LAW

- 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.
- 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011919002, Interim Effluent Limitations and Monitoring Requirements No. 1.
- 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.
- An administrative penalty in the amount of \$17,187 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$17,187 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Agreement A" – incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### 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: Harris County Municipal Utility District No. 49, Docket No. 2021-0236-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 Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 4. The amount of \$17,187 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date of the Executive Director demands payment.
3. Within 130 days after the effective date of this Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011919002, including specific corrective actions that were 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. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with permitted effluent limitations. The certification shall be signed by the Respondent and shall 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:

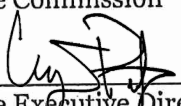
Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. 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.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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

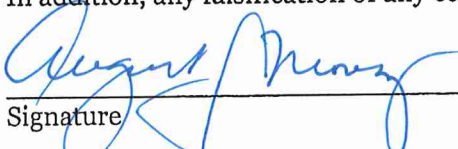
|  |                                     |
|--|-------------------------------------|
| _____<br>For the Commission  | _____<br>Date                       |
| <br>_____<br>For the Executive Director | _____<br>6/27/2022<br>_____<br>Date |

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.

|   |  |
|---|--|
| <br>_____<br>Signature                               | _____<br>March 24, 2022<br>_____<br>Date |
| _____<br>August J. Nunery<br>Name (Printed or typed)<br>Authorized Representative of<br>Harris County Municipal Utility District No. 49 | _____<br>President<br>_____<br>Title     |

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



**Attachment A**

**Docket Number: 2021-0236-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                           |  |
|---------------------------|--|
| <b>Respondent:</b>        | Harris County Municipal Utility District No. 49                |
| <b>Penalty Amount:</b>    | Seventeen Thousand One Hundred Eighty-Seven Dollars (\$17,187) |
| <b>SEP Offset Amount:</b> | Seventeen Thousand One Hundred Eighty-Seven Dollars (\$17,187) |
| <b>Type of SEP:</b>       | Compliance   |
| <b>Project Name:</b>      | <i>WWTP Improvements</i>                                       |
| <b>Location of SEP:</b>   | Harris County  |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (“the Facility”) which are described in this Agreed Order.

**1. Project Description**

**A. Project**

Respondent hired a contractor to remove and replace air drops at the Facility. The new air drops will improve air flow, thus reducing ammonia exceedances. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for air drops replacement (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Expenses, below. No portion of the SEP Offset Amount was spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

**C. Expenses**

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1, above, and complied with all other provisions of this SEP. Respondent understood that it may have cost more than the SEP Offset Amount to complete the Project.

**Expenses**

| <b>Item</b>  | <b>Quantity</b> | <b>Cost</b> | <b>Units</b> | <b>Total</b>     |
|--|-----------------|-------------|--------------|------------------|
| Bonds and Insurance                                | 1               | \$2,000     | Lump Sum     | \$2,000          |
| Mobilization                                       | 1               | \$5,000     | Lump Sum     | \$5,000          |
| Remove/Replace Air Drops                           | 78              | \$1,400     | Each         | \$109,200        |
| Disposal of Old Diffusers, Air Drops, Debris, Etc. | 1               | \$8,500     | Lump Sum     | \$8,500          |
| <b>Total</b>                                       |                 |             |              | <b>\$124,700</b> |

**2. Records**

As of October 20, 2021, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
6. Detailed map showing specific location of the project site(s); and
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

**3. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.