

Executive Summary – Enforcement Matter – Case No. 60874
Harris County Municipal Utility District No. 536
RN106956428
Docket No. 2021-0754-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:

Harris County MUD No. 536, 3420 1/2 Katy Hockley Cut off Road, Katy, Harris County 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: October 8, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,000

Total Paid to General Revenue: \$20,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 25, 2021

Date(s) of NOE(s): June 1, 2021

Executive Summary – Enforcement Matter – Case No. 60874
Harris County Municipal Utility District No. 536
RN106956428
Docket No. 2021-0754-MWD-E

Violation Information

Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment [30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0015292001, Permit Conditions Nos. 2.d and 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By April 13, 2021, the Respondent has installed temporary silt fencing to reduce downstream movement of the sludge within the receiving stream and obtained a vacuum truck to remove the floating sludge, wastewater solids, bloodworms, foam, and odor from the receiving stream and ditch. Additionally within the Facility, the Respondent obtained a vacuum truck to remove the foam from the clarifier and chlorine contact basin, purchased and installed a defoamer, brought in several tanker loads of healthier wastewater solids with well-established bacteria to reseed, added in polymer to help coagulate solids and improve settling, and collected samples to evaluate the effectiveness of the cleanup.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Joseph Forrester, Board President, Harris County Municipal Utility District No. 536, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Jun-2021	Screening	8-Jun-2021	EPA Due	
	PCW	8-Jun-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Harris County Municipal Utility District No. 536
Reg. Ent. Ref. No.	RN106956428
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	60874	No. of Violations	1
Docket No.	2021-0754-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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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	5.0%	Adjustment	Subtotals 2, 3, & 7	\$1,250
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Notes	Enhancement for one month of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,751	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$271,965	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,000
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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	
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Final Penalty Amount	\$20,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,000
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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.
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PAYABLE PENALTY	\$20,000
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Screening Date	8-Jun-2021	Docket No.	2021-0754-MWD-E	PCW
Respondent	Harris County Municipal Utility District No. 536			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60874			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106956428			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	1	5%
	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) 5%

>> 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 one month of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date	8-Jun-2021	Docket No.	2021-0754-MWD-E	PCW
Respondent	Harris County Municipal Utility District No. 536	Policy Revision 5 (January 28, 2021)		
Case ID No.	60874	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN106956428			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), (4), and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0015292001, Permit Conditions Nos. 2.d and 2.g			
Violation Description	<p>Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, sludge was noted floating within the receiving stream and in the immediate vicinity of the permitted outfall bloodworms and foam were noted. Additionally, a sewage odor was noted and downstream from the outfall elevated levels of wastewater solids and low dissolved oxygen were noted. Within the Facility, the chlorine contact basin had floating solids and foam throughout, and the investigator viewed floating solids discharging over the "v" notch weir. Additionally, the clarifier and aeration basin contained excess foam and solids did not settle during the SV30 test.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	X		
	Potential			
		Percent	50.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$12,500	
			\$12,500	
Violation Events				
Number of Violation Events		2	47	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$25,000	
Two monthly events are recommended from the investigation date (February 25, 2021) to the compliance date (April 13, 2021).				
Good Faith Efforts to Comply		25.0%	Reduction	\$6,250
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary	X		
	N/A			
Notes	The Respondent returned to compliance on April 13, 2021.			
		Violation Subtotal	\$18,750	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$1,751	Violation Final Penalty Total	\$20,000
		This violation Final Assessed Penalty (adjusted for limits)		
		\$20,000		

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District No. 536
Case ID No. 60874
Reg. Ent. Reference No. RN106956428
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	\$271,965	25-Feb-2021	13-Apr-2021	0.13	\$1,751	n/a	\$1,751
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual Remediation/Disposal cost to install temporary silt fencing to reduce downstream movement of the sludge within the receiving stream and obtain a vacuum truck to remove the floating sludge, wastewater solids, bloodworms, foam, and odor from the receiving stream and ditch. Additionally within the Facility, to obtain a vacuum truck to remove the foam from the clarifier and chlorine contact basin, purchase and install a defoamer, bring in several tanker loads of healthier wastewater solids with well-established bacteria to reseed, add in polymer to help coagulate solids and improve settling, and collect samples to evaluate the effectiveness of the clean up. The Date Required is the investigation date and the Final Date is the compliance date.

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

\$271,965

TOTAL

\$1,751

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 CN604592329, RN106956428, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604592329, Harris County Municipal Utility District No. 536
Classification: SATISFACTORY
Rating: 0.57

Regulated Entity: RN106956428, HARRIS COUNTY MUD 536
Classification: SATISFACTORY
Rating: 0.57

Complexity Points: 4
Repeat Violator: NO

CH Group: 14 - Other

Location: 3420 ½ Katy Hockley Cut off Road in Katy, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1013515

WASTEWATER PERMIT WQ0015292001

WASTEWATER EPA ID TX0135704

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

Date Compliance History Report Prepared: June 08, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 08, 2016 to June 08, 2021

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

Name: Harley Hobson

Phone: (512) 239-1337

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? YES
- 3) Who is the current owner/operator? Harris County Municipal Utility District 536 OWNER since 5/12/2016
- 4) Who was/were the prior owner(s)/operator(s)? Marcello Lakes Ltd., OWNER, 8/18/2014 to 5/11/2016

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

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 20, 2018	(1529672)	Item 16	November 19, 2019	(1621411)
Item 2	September 29, 2018	(1522456)	Item 17	December 18, 2019	(1628750)
Item 3	October 18, 2018	(1535957)	Item 18	February 20, 2020	(1642984)
Item 4	November 16, 2018	(1543833)	Item 19	March 20, 2020	(1649489)
Item 5	December 20, 2018	(1547529)	Item 20	April 14, 2020	(1655855)
Item 6	January 19, 2019	(1566813)	Item 21	May 19, 2020	(1662396)
Item 7	February 18, 2019	(1566811)	Item 22	June 18, 2020	(1668951)
Item 8	March 20, 2019	(1566812)	Item 23	July 17, 2020	(1675894)
Item 9	April 18, 2019	(1574202)	Item 24	September 16, 2020	(1682686)
Item 10	May 20, 2019	(1587957)	Item 25	September 18, 2020	(1689232)
Item 11	June 17, 2019	(1587958)	Item 26	October 19, 2020	(1695596)
Item 12	July 19, 2019	(1595620)	Item 27	November 18, 2020	(1719383)
Item 13	August 16, 2019	(1601833)	Item 28	December 18, 2020	(1719384)
Item 14	September 18, 2019	(1608734)	Item 29	January 15, 2021	(1719385)
Item 15	October 17, 2019	(1615608)	Item 30	February 20, 2021	(1732465)

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: 03/31/2021 (1732467)
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 6/8/2016 and 6/8/2021

1*	Date:	12/12/2019	(1604584)	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(k)			
	Description:	Failure to obtain approval for a physical connection between the distribution system of a public drinking water supply and that of any other water supply.			
2*	Date:	12/31/2019	(1636366)	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:	03/31/2021	(1732467)	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 June 08, 2016 and June 08, 2021

		(1529672)	For Informational Purposes Only
Item 1*	September 20, 2018**	(1522456)	
		(1535957)	For Informational Purposes Only
Item 2*	September 29, 2018**	(1543833)	
		(1547529)	For Informational Purposes Only
Item 3*	October 18, 2018**	(1566813)	
		(1566811)	For Informational Purposes Only
Item 4*	November 16, 2018**	(1566812)	
		(1574202)	For Informational Purposes Only
Item 5*	December 20, 2018**	(1587957)	
		(1587958)	For Informational Purposes Only
Item 6*	January 19, 2019**		
			For Informational Purposes Only
Item 7*	February 18, 2019**		
			For Informational Purposes Only
Item 8*	March 20, 2019**		
			For Informational Purposes Only
Item 9*	April 18, 2019**		
			For Informational Purposes Only
Item 10*	May 20, 2019**		
			For Informational Purposes Only
Item 11*	June 17, 2019**		

		(1595620)
Item 12*	July 19, 2019**	For Informational Purposes Only
		(1601833)
Item 13*	August 16, 2019**	For Informational Purposes Only
		(1608734)
Item 14*	September 18, 2019**	For Informational Purposes Only
		(1615608)
Item 15*	October 17, 2019**	For Informational Purposes Only
		(1621411)
Item 16*	November 19, 2019**	For Informational Purposes Only
		(1604584)
Item 17	December 12, 2019**	For Informational Purposes Only
		(1628750)
Item 18*	December 18, 2019**	For Informational Purposes Only
		(1636366)
Item 19	January 20, 2020**	For Informational Purposes Only
		(1642984)
Item 20*	February 20, 2020**	For Informational Purposes Only
		(1649489)
Item 21*	March 20, 2020**	For Informational Purposes Only
		(1655855)
Item 22*	April 14, 2020**	For Informational Purposes Only
		(1662396)
Item 23*	May 19, 2020**	For Informational Purposes Only
		(1668951)
Item 24*	June 18, 2020**	For Informational Purposes Only
		(1657463)
Item 25	June 25, 2020**	For Informational Purposes Only
		(1675894)
Item 26*	July 17, 2020**	For Informational Purposes Only
		(1682686)
Item 27*	September 16, 2020	For Informational Purposes Only
		(1689232)
Item 28*	September 18, 2020	For Informational Purposes Only
		(1695596)
Item 29*	October 19, 2020	For Informational Purposes Only
		(1719383)
Item 30*	November 18, 2020	For Informational Purposes Only
		(1719384)
Item 31*	December 18, 2020	For Informational Purposes Only
		(1719385)
Item 32*	January 15, 2021	For Informational Purposes Only
		(1732465)

Item 33*	February 20, 2021	For Informational Purposes Only (1732466)
Item 34*	March 19, 2021	For Informational Purposes Only (1732467)
Item 35	April 28, 2021	For Informational Purposes Only (1703721)
Item 36	June 01, 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. 536
RN106956428**

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

AGREED ORDER DOCKET NO. 2021-0754-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. 536 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that 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 3420 1/2 Katy Hockley Cut off Road in Katy, 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 an investigation conducted on February 25, 2021, an investigator documented that sludge was noted floating within the receiving stream and in the immediate vicinity of the permitted outfall bloodworms and foam were noted. Additionally, a sewage odor was noted and downstream from the outfall elevated levels of wastewater solids and low dissolved oxygen were noted. Within the Facility, the chlorine contact basin had floating solids and foam throughout, and the investigator viewed floating solids discharging over the "v" notch weir. Additionally, the clarifier and aeration basin contained excess foam and solids did not settle during the SV30 test.
3. The Executive Director recognizes that by April 13, 2021, the Respondent has installed temporary silt fencing to reduce downstream movement of the sludge within the

receiving stream and obtained a vacuum truck to remove the floating sludge, wastewater solids, bloodworms, foam, and odor from the receiving stream and ditch. Additionally within the Facility, the Respondent obtained a vacuum truck to remove the foam from the clarifier and chlorine contact basin, purchased and installed a defoamer, brought in several tanker loads of healthier wastewater solids with well-established bacteria to reseed, added in polymer to help coagulate solids and improve settling, and collected samples to evaluate the effectiveness of the cleanup.

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 take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0015292001, Permit Conditions Nos. 2.d and 2.g.
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 \$20,000 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 \$20,000 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: Harris County Municipal Utility District No. 536, Docket No. 2021-0754-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



3/2/2022

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

Joseph Forrester

President

Name (Printed or typed)

Title

Authorized Representative of

Harris County Municipal Utility District No. 536

☐ 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.