

Executive Summary – Enforcement Matter – Case No. 61108
Cinco Southwest Municipal Utility District No. 1
RN103215042
Docket No. 2021-0987-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Cinco Southwest WWTF, 9417 1/2 South Fry Road, Fort Bend 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: August 11, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,000

Amount Deferred for Expedited Settlement: \$8,400

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$33,600

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: June 16, 2021

Date(s) of NOE(s): June 30, 2021

Executive Summary – Enforcement Matter – Case No. 61108
Cinco Southwest Municipal Utility District No. 1
RN103215042
Docket No. 2021-0987-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for dissolved oxygen and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014343001, Interim II Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

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. WQ0014343001, 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 to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: Jack McClure, President, Cinco Southwest Municipal Utility District No. 1, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Jul-2021			
	PCW	13-Jul-2021	Screening	28-Jul-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Cinco Southwest Municipal Utility District No. 1				
Reg. Ent. Ref. No.	RN103215042				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	61108	No. of Violations	2		
Docket No.	2021-0987-MWD-E	Order Type	1660		
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	\$40,000
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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	\$2,000
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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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$24,899	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$189,731	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$42,000
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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

Final Penalty Amount	\$42,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$42,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,400
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,600
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Screening Date

28-Jul-2021

Docket No.

2021-0987-MWD-E

PCW

Respondent

Cinco Southwest Municipal Utility District No. 1

Case ID No.

61108

Reg. Ent. Reference No.

RN103215042

Media

Water Quality

Enf. Coordinator

Harley Hobson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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		28-Jul-2021		Docket No.		2021-0987-MWD-E		PCW		
Respondent		Cinco Southwest Municipal Utility District No. 1						Policy Revision 5 (January 28, 2021)		
Case ID No.		61108						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN103215042								
Media		Water Quality								
Enf. Coordinator		Harley Hobson								
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. WQ0014343001, Interim II 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		Major		Harm Moderate		Minor			
	Actual				X				Percent	
	Potential								50.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent
										0.0%
Matrix Notes		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	\$12,500	
									\$12,500	
Violation Events										
Number of Violation Events		2		62		Number of violation days				
		daily								
		weekly								
		monthly		X						
		quarterly								
		semiannual								
		annual								
		single event								
		Two monthly events are recommended for the months of July and 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	\$25,000	
Economic Benefit (EB) for this violation										
Estimated EB Amount		\$24,899		Violation Final Penalty Total		\$26,250				
This violation Final Assessed Penalty (adjusted for limits)								\$26,250		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Cinco Southwest Municipal Utility District No. 1 61108 RN103215042 Water Quality 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$189,731	31-Jan-2020	15-Sep-2022	2.62	\$24,899	n/a	\$24,899

Notes for DELAYED costs Actual Other cost to repair the clarifiers, repair the sand filters, repair the ultraviolet system, 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	\$189,731	TOTAL	\$24,899
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Screening Date	28-Jul-2021	Docket No.	2021-0987-MWD-E	PCW
Respondent	Cinco Southwest Municipal Utility District No. 1			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61108			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN103215042			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014343001, Interim II Effluent Limitations and Monitoring Requirements Nos. 1 and 6			
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	Major	Moderate	Minor	
	Actual			X	
	Potential				

Percent 30.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor	

Percent 0.0%

Matrix Notes

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 \$17,500

\$7,500

Violation Events

Number of Violation Events 2

92

Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two quarterly events are recommended for the quarters containing the months of January, March, and June 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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$15,750

This violation Final Assessed Penalty (adjusted for limits) \$15,750

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Cinco Southwest Municipal Utility District No. 1 61108 RN103215042 Water Quality 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Actual Other cost to repair the clarifiers, repair the sand filters, repair the ultraviolet system, and achieve compliance with the permitted effluent limitations is captured in Economic Benefit No. 1.						

Avoided Costs ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Cinco Southwest Municipal Utility District No. 1
Docket No. 2021-0987-MWD-E
TPDES Permit No. WQ0014343001
Case No. 61108

Effluent Violation Table

	<i>Escherichia coli</i> Daily Maximum Concentration	Dissolved Oxygen Monthly Minimum Concentration
Monitoring Period	Limit = 200 CFU/100 mL	Limit = 6.0 mg/L
January 2020	866	c
March 2020	c	5.86
June 2020	416	c
July 2020	2,420	c
August 2020	2,420	c

c = compliant mg/L = milligrams per liter
CFU/100 mL = colony forming units 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 CN602740748, RN103215042, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602740748, Cinco Southwest Municipal Utility District No. 1 **Classification:** SATISFACTORY **Rating:** 0.15

Regulated Entity: RN103215042, CINCO SOUTHWEST WWTF **Classification:** SATISFACTORY **Rating:** 0.29

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 9417 1/2 South Fry Road in Fort Bend County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0014343001 **WASTEWATER EPA ID** TX0124851
WASTEWATER AUTHORIZATION R14343001

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: March 04, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 04, 2017 to March 04, 2022

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? 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	March 17, 2017	(1413106)	Item 19	January 17, 2019	(1565540)
Item 2	June 19, 2017	(1433221)	Item 20	February 15, 2019	(1565538)
Item 3	July 18, 2017	(1441798)	Item 21	March 20, 2019	(1565539)
Item 4	August 15, 2017	(1445467)	Item 22	May 19, 2019	(1587112)
Item 5	October 03, 2017	(1452052)	Item 23	July 19, 2019	(1595108)
Item 6	November 16, 2017	(1463359)	Item 24	September 19, 2019	(1608306)
Item 7	December 20, 2017	(1469784)	Item 25	September 30, 2019	(1601398)
Item 8	January 18, 2018	(1476491)	Item 26	November 18, 2019	(1620982)
Item 9	February 17, 2018	(1488659)	Item 27	December 17, 2019	(1628320)
Item 10	March 19, 2018	(1492323)	Item 28	January 20, 2020	(1635943)
Item 11	May 18, 2018	(1502564)	Item 29	March 18, 2020	(1649067)
Item 12	June 18, 2018	(1509668)	Item 30	May 15, 2020	(1661979)
Item 13	July 20, 2018	(1515987)	Item 31	June 16, 2020	(1668519)
Item 14	August 17, 2018	(1522026)	Item 32	October 16, 2020	(1695175)
Item 15	September 18, 2018	(1529229)	Item 33	November 17, 2020	(1718127)
Item 16	October 18, 2018	(1535533)	Item 34	December 15, 2020	(1718128)
Item 17	November 16, 2018	(1543407)	Item 35	February 16, 2021	(1731178)
Item 18	December 18, 2018	(1547116)	Item 36	March 17, 2021	(1731179)

Item 42	September 18, 2021	(1768299)
Item 43	October 18, 2021	(1778886)
Item 44	November 17, 2021	(1785493)
Item 45	December 16, 2021	(1792538)

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

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

1	Date:	05/31/2021	(1748553)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CINCO SOUTHWEST MUNICIPAL
UTILITY DISTRICT NO. 1
RN103215042**

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

AGREED ORDER DOCKET NO. 2021-0987-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cinco Southwest Municipal Utility District No. 1 (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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 9417 ^{1/2} South Fry Road in Fort Bend 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$42,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$8,400 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$33,600 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 ("Attachment 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. 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.

II. ALLEGATIONS

During a record review for the Facility conducted on June 16, 2021, an investigator documented that 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. WQ0014343001, Interim II Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as shown in the effluent violation table below:

	<i>Escherichia coli</i> Daily Maximum Concentration	Dissolved Oxygen Monthly Minimum Concentration
Monitoring Period	Limit = 200 CFU/100 mL	Limit = 6.0 mg/L
January 2020	866	c
March 2020	c	5.86
June 2020	416	c
July 2020	2,420	c
August 2020	2,420	c

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

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cinco Southwest Municipal Utility District No. 1, Docket No. 2021-0987-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 implemented and completed the SEP as set forth in Section I, Paragraph No. 4. The amount of \$33,600 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 the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014343001, 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, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

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 Enforcement Division at the address listed above.
8. 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.
9. 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.

10. 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



For the Executive Director

9/6/2023

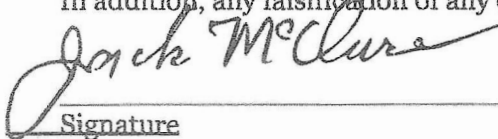
Date

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

9-28-2023

Date

Jack McClure

President

Name (Printed or typed)
Authorized Representative of
Cinco Southwest Municipal Utility District No. 1

Title

☐ 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.

Attachment A
Docket Number: 2021-0987-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Cinco Southwest Municipal Utility District No. 1
Penalty Amount:	\$33,600
SEP Offset Amount:	\$33,600
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Fort Bend County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of 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 (“Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to purchase and install hydraulic wipers to the ultraviolet (“UV”) system at the Facility. The hydraulic wipers add a chemical gel to the mechanical wiper, increasing the efficiency of the UV intensity. This will reduce improperly treated wastewater effluent from entering the receiving waters. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for installation of hydraulic wipers to the UV system (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 the below Subsection C. Expenses. 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 treatment for 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.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Quantity	Cost	Units	Total
Ultraviolet Hydraulic Wipers	19	\$2,435	Each	\$46,265
Installation	19	\$5,450	Lump Sum	\$5,450
Total				\$51,715

2. Records

As of November 10, 2022, 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. Detailed map showing specific location of the project site(s); and
6. 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 immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of 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 and 3 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

Cinco Southwest Municipal Utility District No. 1
Docket No. 2021-0987-MWD-E
Attachment A

the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided below:

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.