

**Executive Summary – Enforcement Matter – Case No. 62699**

**City of Montgomery**

**RN105021836**

**Docket No. 2022-0935-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Stewart Creek WWTP, located southwest of the intersection of Farm-to-Market Road 2854 and State Highway 105, approximately 1,100 feet west of Farm-to-Market Road 2854 and approximately 600 feet south of State Highway 105, Montgomery, Montgomery 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 6, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,125

**Amount Deferred for Expedited Settlement:** \$2,025

**Total Paid to General Revenue:** \$8,100

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** May 3, 2022

**Complaint Information:** Alleged a sanitary sewer overflow from a manhole.

**Date(s) of Investigation:** May 12, 2022

**Date(s) of NOE(s):** July 8, 2022

**Executive Summary – Enforcement Matter – Case No. 62699  
City of Montgomery  
RN105021836  
Docket No. 2022-0935-MWD-E**

***Violation Information***

Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, during the investigation evidence of an unauthorized discharge in the form of toilet paper and other sewage debris was observed surrounding the manhole located approximately 875 feet north of Kings Lane in Montgomery, Texas 77365 [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014737001, Permit Conditions No. 2.g].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 60 days, complete remediation of and disposal to remove and properly dispose of wastewater debris and clean and disinfect the affected areas; and
- b. Within 90 days, submit written certification to demonstrate compliance with a.

***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

**Respondent:** The Honorable Byron Sanford, Mayor, City of Montgomery, 101 Old Plantersville Road, Montgomery, Texas 77316

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	11-Jul-2022	<b>Screening</b>	21-Jul-2022	<b>EPA Due</b>	
	<b>PCW</b>	9-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Montgomery
<b>Reg. Ent. Ref. No.</b>	RN105021836
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62699	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0935-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Monica Larina
		<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>	\$11,250
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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.

<b>Compliance History</b>	-10.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	-\$1,125
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<b>Notes</b>	Reduction for High Performer classification.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$58	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$10,125
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,125
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$2,025
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$8,100
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**Screening Date** 21-Jul-2022

**Docket No.** 2022-0935-MWD-E

**PCW**

**Respondent** City of Montgomery

Policy Revision 5 (January 28, 2021)

**Case ID No.** 62699

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN105021836

**Media** Water Quality

**Enf. Coordinator** Monica Larina

### 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> )	0	0%
	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)** 0%

#### >> Repeat Violator (Subtotal 3)

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

**Compliance History Notes**

Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** -10%

**Screening Date** 21-Jul-2022  
**Respondent** City of Montgomery  
**Case ID No.** 62699  
**Reg. Ent. Reference No.** RN105021836  
**Media** Water Quality  
**Enf. Coordinator** Monica Larina

**Docket No.** 2022-0935-MWD-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014737001, Permit Conditions No. 2.g

**Violation Description** Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, during the investigation evidence of an unauthorized discharge in the form of toilet paper and other sewage debris was observed surrounding the manhole located approximately 875 feet north of Kings Lane in Montgomery, Texas 77365.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3 Number of violation days 70

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three monthly events are recommended from the May 12, 2022 investigation date to the July 21, 2022 screening date.

**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** \$11,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$58

**Violation Final Penalty Total** \$10,125

**This violation Final Assessed Penalty (adjusted for limits)** \$10,125

# Economic Benefit Worksheet

**Respondent** City of Montgomery  
**Case ID No.** 62699  
**Reg. Ent. Reference No.** RN105021836  
**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	\$1,000	12-May-2022	11-Jul-2023	1.16	\$58	n/a	\$58
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b> Estimated Remediation/Disposal cost to remove and properly dispose of wastewater debris, and clean and disinfect the affected areas. Date Required is the date of the discharge, 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
<b>Notes for AVOIDED costs</b> (This area is currently blank)							

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$58
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# Compliance History Report

Compliance History Report for CN600644892, RN105021836, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600644892, City of Montgomery	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN105021836, STEWART CREEK WWTP	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	8	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	08 - Sewage Treatment Facilities		
<b>Location:</b>	SW OF INTXN OF FM 2854 & SH 105 APPROX 1100 FT W OF FM 2854 & 600 FT S OF SH 105, MONTGOMERY COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		
<b>ID Number(s):</b>	WASTEWATER PERMIT WQ0014737001 WASTEWATER EPA ID TX0128031		
<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b> 2022	<b>Rating Date:</b> 09/01/2022
<b>Date Compliance History Report Prepared:</b>	May 21, 2023		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	May 19, 2018 to May 19, 2023		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Monica Larina	<b>Phone:</b>	(512) 239-0184

## 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	June 20, 2018	(1509810)
Item 2	July 20, 2018	(1516131)
Item 3	September 19, 2018	(1529367)
Item 4	September 28, 2018	(1522167)
Item 5	October 19, 2018	(1535672)
Item 6	November 19, 2018	(1543547)
Item 7	December 18, 2018	(1547251)
Item 8	January 14, 2019	(1565963)
Item 9	February 18, 2019	(1565961)
Item 10	March 12, 2019	(1565962)
Item 11	April 18, 2019	(1573901)
Item 12	May 17, 2019	(1587395)
Item 13	June 19, 2019	(1587396)

Item 14	July 19, 2019	(1595273)
Item 15	September 17, 2019	(1601541)
Item 16	October 18, 2019	(1615322)
Item 17	November 19, 2019	(1621125)
Item 18	December 18, 2019	(1628463)
Item 19	January 22, 2020	(1636084)
Item 20	February 14, 2020	(1642707)
Item 21	March 16, 2020	(1649209)
Item 22	April 15, 2020	(1655573)
Item 23	May 19, 2020	(1662120)
Item 24	June 19, 2020	(1668660)
Item 25	July 20, 2020	(1675612)
Item 26	September 15, 2020	(1682385)
Item 27	September 17, 2020	(1688945)
Item 28	October 15, 2020	(1695313)
Item 29	November 20, 2020	(1718537)
Item 30	December 15, 2020	(1718538)
Item 31	January 15, 2021	(1718539)
Item 32	February 20, 2021	(1731596)
Item 33	March 19, 2021	(1731597)
Item 34	April 15, 2021	(1731598)
Item 35	May 17, 2021	(1743079)
Item 36	June 08, 2021	(1724320)
Item 37	June 16, 2021	(1743080)
Item 38	July 15, 2021	(1753700)
Item 39	August 18, 2021	(1759082)
Item 40	September 14, 2021	(1768455)
Item 41	October 14, 2021	(1779204)
Item 42	November 16, 2021	(1785635)
Item 43	December 13, 2021	(1792684)
Item 44	January 18, 2022	(1800521)
Item 45	February 17, 2022	(1808349)
Item 46	March 17, 2022	(1815399)
Item 47	April 18, 2022	(1821960)
Item 48	May 20, 2022	(1830861)
Item 49	June 20, 2022	(1837110)
Item 50	July 19, 2022	(1844294)
Item 51	August 18, 2022	(1850506)
Item 52	September 19, 2022	(1858237)
Item 53	October 18, 2022	(1864574)
Item 54	November 09, 2022	(1871482)
Item 55	December 13, 2022	(1877346)
Item 56	January 17, 2023	(1884152)
Item 57	February 08, 2023	(1891964)
Item 58	March 14, 2023	(1900539)

**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.

N/A

**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:**

*Compliance History Report for CN600644892, RN105021836, Rating Year 2022 which includes Compliance History (CH) components from May 19, 2018, through May 19, 2023.*



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  
CITY OF MONTGOMERY  
RN105021836

§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0935-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 the City of Montgomery (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 southwest of the intersection of Farm-to-Market Road 2854 and State Highway 105, approximately 1,100 feet west of Farm-to-Market Road 2854 and approximately 600 feet south of State Highway 105, Montgomery 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 \$10,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,100 of the penalty and \$2,025 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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 an investigation at the Facility conducted on May 12, 2022, an investigator documented that the Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014737001, Permit Conditions No. 2.g. Specifically, during the investigation evidence of an unauthorized discharge in the form of toilet paper and other sewage debris was observed surrounding the manhole located approximately 875 feet north of Kings Lane in Montgomery, Texas 77365.

## 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: City of Montgomery, Docket No. 2022-0935-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 undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Order, complete remediation of and disposal to remove and properly dispose of wastewater debris and clean and disinfect the affected areas.

- b. Within 90 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.

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

  
-----  
For the Executive Director


-----  
10/22/2023  
-----  
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 OAG 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 OAG 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

-----  
9-1-2023  
-----  
Date

-----  
BYRON SANFORD  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Montgomery

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MAYOR  
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Title

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