

**Executive Summary – Enforcement Matter – Case No. 63352**  
**Horizon Regional Municipal Utility District**  
**RN102329075**  
**Docket No. 2022-1612-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Horizon Regional MUD City Plant, 13223 Berkley Drive, El Paso, El Paso County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2024-1360-MWD-E  
and 2025-0465-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 11, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$29,250

**Amount Deferred for Expedited Settlement:** \$5,850

**Total Paid to General Revenue:** \$23,400

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 15, 2022

**Date(s) of NOE(s):** October 20, 2022

**Executive Summary – Enforcement Matter – Case No. 63352**  
**Horizon Regional Municipal Utility District**  
**RN102329075**  
**Docket No. 2022-1612-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010795001, Interim Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By August 31, 2024, the Respondent achieved compliance with the permitted effluent limitations of TPDES Permit No. WQ0010795001, submitted discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Gordon Jarvis, Board President, Horizon Regional Municipal Utility District, 14100 Horizon Boulevard, Horizon City, Texas 79928

**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>	31-Oct-2022	<b>Screening</b>	7-Nov-2022	<b>EPA Due</b>	5-Dec-2022
	<b>PCW</b>	14-Jan-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Horizon Regional Municipal Utility District				
<b>Reg. Ent. Ref. No.</b>	RN102329075				
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63352	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1612-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>	Mistie Gonzales
		<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>	\$22,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	40.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$9,000
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Notes: Enhancement for three months of self-reported effluent violations, one order containing a denial of liability, and one NOV with similar violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,250
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,065  
Estimated Cost of Compliance: \$15,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$29,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$29,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$29,250
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$5,850
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$23,400
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<b>Screening Date</b>	7-Nov-2022	<b>Docket No.</b>	2022-1612-MWD-E	<b>PCW</b>
<b>Respondent</b>	Horizon Regional Municipal Utility District			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63352			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102329075			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mistie Gonzales			

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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)** 40%

### >> Repeat Violator (Subtotal 3)

No

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

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations, one order containing a denial of liability, and one NOV with similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 40%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 40%

<b>Screening Date</b>	7-Nov-2022	<b>Docket No.</b>	2022-1612-MWD-E	<b>PCW</b>
<b>Respondent</b>	Horizon Regional Municipal Utility District	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	63352	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN102329075			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mistie Gonzales			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010795001, Interim Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>	\$25,000	

  

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

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
			Major      Moderate      Minor		
	Actual			x	
	Potential				
					<b>Percent</b> 30.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> 0.0%

  

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events	3	180	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

**Violation Base Penalty** \$22,500

Three quarterly events are recommended for the quarters containing the months of November 2021, February, March, April, May, and June 2022.

**Good Faith Efforts to Comply**

	<b>10.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance by August 31, 2024.		

**Reduction** \$2,250

**Violation Subtotal** \$20,250

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$2,065	
<b>Violation Final Penalty Total</b>	
\$29,250	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$29,250	

# Economic Benefit Worksheet

**Respondent** Horizon Regional Municipal Utility District  
**Case ID No.** 63352  
**Reg. Ent. Reference No.** RN102329075  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	30-Nov-2021	31-Aug-2024	2.75	\$2,065	n/a	\$2,065
Notes for DELAYED costs Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the 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

\$15,000

**TOTAL**

\$2,065

Horizon Regional Municipal Utility District  
Docket No. 2022-1612-MWD-E  
TPDES Permit No. WQ0010795001  
Case No. 63352

Effluent Violation Table

	Carbonaceous Biochemical Oxygen Demand (5-day)		Ammonia Nitrogen		Total Suspended Solids
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration	Daily Maximum Concentration
Monitoring Period	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 40 mg/L
November 2021	C	c	c	c	44.8
February 2022	11.3	c	c	c	c
March 2022	17.5	32.8	c	c	c
April 2022	10.7	c	<4.22	15.7	c
May 2022	13.2	c	c	c	c
June 2022	11.8	c	<3.68	14.7	c

mg/L = milligrams per liter    c = compliant    < = less than



# Compliance History Report

Compliance History Report for CN601229560, RN102329075, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601229560, Horizon Regional Municipal Utility District	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	10.11
<b>Regulated Entity:</b>	RN102329075, HORIZON REGIONAL MUD CITY PLANT	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	4.14
<b>Complexity Points:</b>	10	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	08 - Sewage Treatment Facilities				
<b>Location:</b>	13223 Berkley Drive, El Paso County, Texas				
<b>TCEQ Region:</b>	REGION 06 - EL PASO				
<b>ID Number(s):</b>					
<b>WASTEWATER PERMIT</b>	WQ0010795001	<b>WASTEWATER EPA ID</b>	TX0086045		
<b>WASTEWATER AUTHORIZATION</b>	R10795001A	<b>STORMWATER PERMIT</b>	TXR05EQ04		
<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b>	2024	<b>Rating Date:</b>	09/01/2024
<b>Date Compliance History Report Prepared:</b>	January 14, 2025				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 14, 2020 to January 14, 2025				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Mistie Gonzales	<b>Phone:</b>	(254) 761-3056		

## 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:**

- |   |   |  |
|---|---|--|
| 1 | Effective Date: 04/13/2020  | ADMINORDER 2019-0785-MWD-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate  |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  |  |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)   |  |
|   | Rqmt Prov: Effluent Limits PERMIT   |  |
|   | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. |  |

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A



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

Item 1	January 20, 2020	(1635180)	Item 31	November 08, 2021	(1764570)
Item 2	February 19, 2020	(1641795)	Item 32	November 17, 2021	(1784752)
Item 3	March 18, 2020	(1648309)	Item 33	December 06, 2021	(1765800)
Item 4	April 20, 2020	(1654661)	Item 34	January 19, 2022	(1799622)
Item 5	May 15, 2020	(1661227)	Item 35	January 24, 2022	(1781922)
Item 6	May 20, 2020	(1647007)	Item 36	February 14, 2022	(1807456)
Item 7	June 16, 2020	(1667756)	Item 37	August 16, 2022	(1849574)
Item 8	July 20, 2020	(1674702)	Item 38	September 19, 2022	(1857344)
Item 9	September 04, 2020	(1670983)	Item 39	October 19, 2022	(1863697)
Item 10	September 10, 2020	(1671502)	Item 40	November 17, 2022	(1870606)
Item 11	September 15, 2020	(1688051)	Item 41	December 19, 2022	(1876462)
Item 12	September 25, 2020	(1673166)	Item 42	February 17, 2023	(1891091)
Item 13	September 30, 2020	(1681474)	Item 43	March 17, 2023	(1899660)
Item 14	October 16, 2020	(1694407)	Item 44	May 19, 2023	(1913616)
Item 15	November 13, 2020	(1690255)	Item 45	August 18, 2023	(1934155)
Item 16	November 17, 2020	(1715829)	Item 46	September 19, 2023	(1940296)
Item 17	December 15, 2020	(1715830)	Item 47	October 20, 2023	(1947133)
Item 18	February 16, 2021	(1728902)	Item 48	November 16, 2023	(1952821)
Item 19	February 24, 2021	(1702604)	Item 49	December 14, 2023	(1938568)
Item 20	March 04, 2021	(1702275)	Item 50	March 11, 2024	(1966554)
Item 21	March 08, 2021	(1704025)	Item 51	April 17, 2024	(1991344)
Item 22	March 17, 2021	(1728903)	Item 52	May 03, 2024	(1976741)
Item 23	May 19, 2021	(1741755)	Item 53	May 17, 2024	(1997800)
Item 24	June 18, 2021	(1752823)	Item 54	July 17, 2024	(2012331)
Item 25	July 07, 2021	(1738019)	Item 55	August 16, 2024	(2017899)
Item 26	August 18, 2021	(1750043)	Item 56	September 20, 2024	(2024936)
Item 27	September 18, 2021	(1767502)	Item 57	September 25, 2024	(2015268)
Item 28	September 30, 2021	(1763441)	Item 58	October 18, 2024	(2031048)
Item 29	October 18, 2021	(1778013)	Item 59	November 15, 2024	(2023113)
Item 30	October 25, 2021	(1765645)	Item 60	December 13, 2024	(2023114)

**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:        | 01/31/2024  | (1978248) |                 |          |
|   | Self Report? | YES   |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)  |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter  |           |                 |          |
| 2 | Date:        | 02/29/2024  | (1984821) |                 |          |
|   | Self Report? | YES   |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)  |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter  |           |                 |          |
| 3 | Date:        | 05/31/2024  | (2004762) |                 |          |
|   | Self Report? | YES   |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)  |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter  |           |                 |          |
| 4 | Date:        | 08/30/2024  | (2003331) |                 |          |
|   | Self Report? | NO  |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>WQ0010795001 PERMIT  |           |                 |          |
|   | Description: | Failure to maintain a total chlorine residual of at least 1.0 mg/L. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of at least 1.0 mg/L for total chlorine residual. The result of the total chlorine residual analysis was 0.76 mg/L. This value was obtained with the utilization of the TCEQ Region 6 DR300.                                |           |                 |          |
|   | Self Report? | NO  |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>WQ0010795001 PERMIT  |           |                 |          |
|   | Description: | Failure to install adequate safeguards to prevent the discharge of untreated wastes during electrical power failures from the wastewater collection system (i.e. lift stations) by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater. Currently, the HR MUD WWTP has no equipment to supply power to any lift stations within its collection system.  |           |                 |          |
|   | Self Report? | NO  |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>WQ0010795001 PERMIT  |           |                 |          |
|   | Description: | Failure to employ an operator holding a Class B Wastewater license or higher to operate the facility a minimum of five days per week. Currently, the facility is being operated part-time by a Class B Wastewater Operator that is also acting as the chief operator for the public water system associated with the HR MUD.  |           |                 |          |
|   | Self Report? | NO  |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 210, SubChapter A 210.4(a)<br>R10795001A PERMIT  |           |                 |          |
|   | Description: | Failure to provide notification and obtain authorization for the disposal of treated effluent via evaporation in the aesthetic pond (subsequent holding pond) located within the Horizon Golf Course. The facility's Reclaimed Water Use Authorization (R10795001A) for the reclaimed water provided to the Horizon Golf Course from the HR MUD WWTP allows for disposal of treated effluent via irrigation.  |           |                 |          |
|   | Self Report? | NO  |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 210, SubChapter B 210.23(f)<br>R10795001A PERMIT   |           |                 |          |
|   | Description: | Failure to furnish certification by a Texas Licensed Professional Engineer that the pond liner provided for the aesthetic pond (subsequent holding pond) utilized to dispose of treated effluent via evaporation at the Horizon Golf Course meets the appropriate criteria prior to use. Google Earth time lapse indicates that the aesthetic pond (subsequent holding pond) was placed into service in 2020. |           |                 |          |

**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  
HORIZON REGIONAL MUNICIPAL  
UTILITY DISTRICT  
RN102329075

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

## AGREED ORDER DOCKET NO. 2022-1612-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 Horizon Regional Municipal Utility District (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 13223 Berkley Drive, in El Paso 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 \$29,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,400 of the penalty and \$5,850 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.
9. The Executive Director recognizes that by August 31, 2024, the Respondent achieved compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010795001, submitted discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

## II. ALLEGATIONS

During a record review for the Facility conducted on September 15, 2022, 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 TPDES Permit No. WQ0010795001, Interim Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

Effluent Violation Table					
	Carbonaceous Biochemical Oxygen Demand (5-day)		Ammonia Nitrogen		Total Suspended Solids
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration	Daily Maximum Concentration
Monitoring Period	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 40 mg/L
November 2021	c	c	c	c	44.8
February 2022	11.3	c	c	c	c
March 2022	17.5	32.8	c	c	c
April 2022	10.7	c	<4.22	15.7	c
May 2022	13.2	c	c	c	c
June 2022	11.8	c	<3.68	14.7	c

mg/L = milligrams per liter    c = compliant    < = less than

### 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: Horizon Regional Municipal Utility District, Docket No. 2022-1612-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. Extension requests shall be sent to the Enforcement Division at the address listed above.
5. 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.
6. 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.

7. 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

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For the Commission

-----  
Date

5/9/2025

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For the Executive Director

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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.

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Signature

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Date

02/27/2025

-----  
Name (Printed or typed)

-----  
Title

Authorized Representative of  
Horizon Regional Municipal Utility District

Board President

☐ 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.