

Executive Summary – Enforcement Matter – Case No. 64255
Waller County Road Improvement District No. 1
RN105855324
Docket No. 2023-0994-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Waller County Road Improvement District 1, located approximately 2,300 feet east of the intersection of Jordan Ranch Boulevard and West Miller Road, Brookshire, Waller 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: May 3, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,937

Amount Deferred for Expedited Settlement: \$2,587

Total Paid to General Revenue: \$10,350

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 31, 2023

Date(s) of NOE(s): April 14, 2023

Executive Summary – Enforcement Matter – Case No. 64255
Waller County Road Improvement District No. 1
RN105855324
Docket No. 2023-0994-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014571001, Interim I Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By April 30, 2023, the Respondent achieved compliance with permitted effluent limitations.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Sarah Castillo, Enforcement Division, Enforcement Team 1, MC R-11, (512) 239-1130; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kevin Staloch, President, Waller County Road Improvement District No. 1, 6363 Woodway Drive, Suite 800, Houston, Texas 77057

Respondent's Attorney: N/A

Screening Date12-May-2023

RespondentWaller County Road Improvement District No. 1

Case ID No.64255

Reg. Ent. Reference No.RN105855324

MediaWater Quality

Enf. CoordinatorCheryl Thompson

Docket No.2023-0994-MWD-E

PCW

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 (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations and one NOV with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%25%

Screening Date	12-May-2023	Docket No.	2023-0994-MWD-E	PCW
Respondent	Waller County Road Improvement District No. 1			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64255			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN105855324			
Media	Water Quality			
Enf. Coordinator	Cheryl Thompson			
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 Permit No. WQ0014571001, Interim I Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual			x
	Potential			
		Percent	15.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. 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	\$21,250		
			\$3,750	
Violation Events				
	Number of Violation Events	3	181	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$11,250		
	Three quarterly events are recommended for the quarters containing the months of February, March, May, June, August, and September 2022.			
Good Faith Efforts to Comply	10.0%		Reduction	\$1,125
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance by April 30, 2023.		
	Violation Subtotal	\$10,125		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
Estimated EB Amount	\$292	Violation Final Penalty Total	\$12,938	
	This violation Final Assessed Penalty (adjusted for limits)	\$12,938		

Economic Benefit Worksheet

Respondent Waller County Road Improvement District No. 1
Case ID No. 64255
Reg. Ent. Reference No. RN105855324
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)	\$5,000	28-Feb-2022	30-Apr-2023	1.17	\$292	n/a	\$292

Notes for DELAYED costs Estimated delayed 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	\$5,000	TOTAL	\$292
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Waller County Road Improvement District No. 1
TPDES Permit No. WQ0014571001
Docket No. 2023-0994-MWD-E
Case No. 64255

Ammonia Nitrogen		
Monitoring Period	Daily Average Concentration Limit = 2 mg/L	Single Grab Concentration Limit = 15 mg/L
February 2022	2.09	c
March 2022	6.69	23.9
May 2022	7.01	20.5
June 2022	2.59	c
August 2022	5.46	17.5
September 2022	3.49	c

mg/L = milligrams per liter c = compliant



Compliance History Report

Compliance History Report for CN603581240, RN105855324, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603581240, Waller County Road Improvement District No. 1
Classification: SATISFACTORY
Rating: 2.18

Regulated Entity: RN105855324, WALLER COUNTY ROAD IMPROVEMENT DISTRICT 1
Classification: SATISFACTORY
Rating: 2.18

Complexity Points: 5
Repeat Violator: NO

CH Group: 09 - Construction

Location: approximately 2,300 feet east of the intersection of Jordan Ranch Boulevard and West Miller Road in Waller County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0014571001

WASTEWATER EPA ID TX0127264

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2370094

Compliance History Period: September 01, 2018 to August 31, 2023
Rating Year: 2023
Rating Date: 09/01/2023

Date Compliance History Report Prepared: October 31, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 31, 2018 to October 31, 2023

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

Name: Cheryl Thompson

Phone: (817) 588-5865

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	November 20, 2018	(1543515)	Item 9	September 16, 2019	(1608418)
Item 2	December 14, 2018	(1547220)	Item 10	September 27, 2019	(1601508)
Item 3	January 14, 2019	(1565872)	Item 11	October 14, 2019	(1615290)
Item 4	February 19, 2019	(1565870)	Item 12	November 20, 2019	(1621092)
Item 5	March 14, 2019	(1565871)	Item 13	December 16, 2019	(1628432)
Item 6	April 18, 2019	(1573872)	Item 14	January 15, 2020	(1636053)
Item 7	May 16, 2019	(1587332)	Item 15	January 29, 2020	(1606125)
Item 8	July 17, 2019	(1595243)	Item 16	February 19, 2020	(1642676)

Item 17	March 13, 2020	(1649178)	Item 33	July 16, 2021	(1753666)
Item 18	April 14, 2020	(1655542)	Item 34	August 18, 2021	(1759051)
Item 19	May 18, 2020	(1662089)	Item 35	September 18, 2021	(1768420)
Item 20	June 18, 2020	(1668629)	Item 36	October 14, 2021	(1779112)
Item 21	July 13, 2020	(1675581)	Item 37	November 10, 2021	(1785603)
Item 22	August 18, 2020	(1682355)	Item 38	December 16, 2021	(1792650)
Item 23	September 16, 2020	(1688913)	Item 39	January 17, 2022	(1800488)
Item 24	October 16, 2020	(1695282)	Item 40	February 12, 2022	(1808317)
Item 25	November 18, 2020	(1718446)	Item 41	May 16, 2022	(1830830)
Item 26	December 16, 2020	(1718447)	Item 42	August 17, 2022	(1850476)
Item 27	January 15, 2021	(1718448)	Item 43	November 14, 2022	(1871451)
Item 28	February 18, 2021	(1731504)	Item 44	March 16, 2023	(1900506)
Item 29	March 20, 2021	(1731505)	Item 45	April 14, 2023	(1907303)
Item 30	April 15, 2021	(1731506)	Item 46	May 12, 2023	(1914454)
Item 31	May 17, 2021	(1743033)	Item 47	June 12, 2023	(1921065)
Item 32	June 15, 2021	(1743034)	Item 48	July 14, 2023	(1928047)

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: 11/30/2022 (1877313)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 12/31/2022 (1884120)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 01/31/2023 (1891933)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 05/04/2023 (1888806)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to properly operate and maintain the facility.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Permit Conditions, No. 2(d) PERMIT
Description: Failure to prevent the discharge of sludge in the receiving stream.
- 5 Date: 07/31/2023 (1934985)
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
WALLER COUNTY ROAD
IMPROVEMENT DISTRICT NO. 1
RN105855324

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

AGREED ORDER DOCKET NO. 2023-0994-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 Waller County Road Improvement 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 a wastewater treatment facility located approximately 2,300 feet east of the intersection of Jordan Ranch Boulevard and West Miller Road in Waller 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 \$12,937 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,350 of the penalty and \$2,587 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 April 30, 2023, the Respondent achieved compliance with permitted effluent limitations.

II. ALLEGATIONS

During a record review for the Facility conducted on January 31, 2023, 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 Permit No. WQ0014571001, Interim I Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Ammonia Nitrogen		
Monitoring Period	Daily Average Concentration Limit = 2 mg/L	Single Grab Concentration Limit = 15 mg/L
February 2022	2.09	c
March 2022	6.69	23.9
May 2022	7.01	20.5
June 2022	2.59	c
August 2022	5.46	17.5
September 2022	3.49	c

mg/L = milligrams per liter

c = compliant

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: Waller County Road Improvement District No. 1, Docket No. 2023-0994-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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

For the Commission

Date



For the Executive Director

5/15/2024

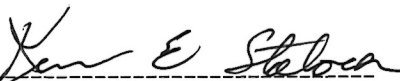
Date

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

3/22/24

Date



Name (Printed or typed)
Authorized Representative of
Waller County Road Improvement District No. 1

PRESIDENT

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.