

**Executive Summary – Enforcement Matter – Case No. 64812**  
**Harris County Municipal Utility District No. 82**  
**RN102183696**  
**Docket No. 2023-1325-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

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

Harris County MUD 82, located approximately 1,900 feet northeast of the intersection of Birnamwood Drive and Cypresswood Drive, Spring, Harris County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 15, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$105,000

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$105,000

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:** May 30, 2023

**Date(s) of NOE(s):** August 18, 2023

**Executive Summary – Enforcement Matter – Case No. 64812**  
**Harris County Municipal Utility District No. 82**  
**RN102183696**  
**Docket No. 2023-1325-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for dissolved oxygen, ammonia nitrogen, *Escherichia coli*, total suspended solids, flow two hour peak, 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. WQ0011799001, Interim 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 effluent limitations of TPDES Permit No. WQ0011799001, 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.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**Respondent:** Jerry Chesnutt, President, Harris County Municipal Utility District No. 82, 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

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 28-Aug-2023 | <b>Screening</b> | 12-Sep-2023 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 26-Sep-2023 |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |                                                 |
|-----------------------------|-------------------------------------------------|
| <b>Respondent</b>           | Harris County Municipal Utility District No. 82 |
| <b>Reg. Ent. Ref. No.</b>   | RN102183696                                     |
| <b>Facility/Site Region</b> | 12-Houston                                      |
| <b>Major/Minor Source</b>   | Major                                           |

## CASE INFORMATION

|                                        |                 |                              |                    |
|----------------------------------------|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 64812           | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2023-1325-MWD-E | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Taylor Williamson  |
|                                        |                 | <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> | \$70,000 |
|-------------------------------------------------------------|-------------------|----------|

## 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> | <b>50.0%</b> | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | \$35,000 |
|---------------------------|--------------|-------------------|--------------------------------|----------|

Notes Enhancement for ten months of self-reported effluent violations.

|                    |    |             |                    |                   |     |
|--------------------|----|-------------|--------------------|-------------------|-----|
| <b>Culpability</b> | No | <b>0.0%</b> | <b>Enhancement</b> | <b>Subtotal 4</b> | \$0 |
|--------------------|----|-------------|--------------------|-------------------|-----|

Notes The Respondent does not meet the culpability criteria.

|                                                      |                   |     |
|------------------------------------------------------|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|------------------------------------------------------|-------------------|-----|

|                         |             |                     |                   |     |
|-------------------------|-------------|---------------------|-------------------|-----|
| <b>Economic Benefit</b> | <b>0.0%</b> | <b>Enhancement*</b> | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------|---------------------|-------------------|-----|

Total EB Amounts \$3,255  
Estimated Cost of Compliance \$30,000  
\*Capped at the Total EB \$ Amount

|                             |                       |           |
|-----------------------------|-----------------------|-----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$105,000 |
|-----------------------------|-----------------------|-----------|

|                                             |             |                   |     |
|---------------------------------------------|-------------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | <b>0.0%</b> | <b>Adjustment</b> | \$0 |
|---------------------------------------------|-------------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

|                             |           |
|-----------------------------|-----------|
| <b>Final Penalty Amount</b> | \$105,000 |
|-----------------------------|-----------|

|                                   |                               |           |
|-----------------------------------|-------------------------------|-----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$105,000 |
|-----------------------------------|-------------------------------|-----------|

|                 |             |                  |                   |     |
|-----------------|-------------|------------------|-------------------|-----|
| <b>DEFERRAL</b> | <b>0.0%</b> | <b>Reduction</b> | <b>Adjustment</b> | \$0 |
|-----------------|-------------|------------------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

|                        |           |
|------------------------|-----------|
| <b>PAYABLE PENALTY</b> | \$105,000 |
|------------------------|-----------|

|                                |                                                 |                   |                 |                                             |
|--------------------------------|-------------------------------------------------|-------------------|-----------------|---------------------------------------------|
| <b>Screening Date</b>          | 12-Sep-2023                                     | <b>Docket No.</b> | 2023-1325-MWD-E | <b>PCW</b>                                  |
| <b>Respondent</b>              | Harris County Municipal Utility District No. 82 |                   |                 | <i>Policy Revision 5 (January 28, 2021)</i> |
| <b>Case ID No.</b>             | 64812                                           |                   |                 | <i>PCW Revision February 11, 2021</i>       |
| <b>Reg. Ent. Reference No.</b> | RN102183696                                     |                   |                 |                                             |
| <b>Media</b>                   | Water Quality                                   |                   |                 |                                             |
| <b>Enf. Coordinator</b>        | Taylor Williamson                               |                   |                 |                                             |

## 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> )                                                                            | 10     | 50%     |
|                               | 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)** 50%

### >> 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 ten months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 50%

|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 12-Sep-2023<br><b>Respondent</b> Harris County Municipal Utility District No. 82<br><b>Case ID No.</b> 64812<br><b>Reg. Ent. Reference No.</b> RN102183696<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Taylor Williamson                                             | <b>Docket No.</b> 2023-1325-MWD-E<br><br><div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i><br/> <i>PCW Revision February 11, 2021</i> </div>                                                                                                                                                                                                                                                                                                   | <b>PCW</b>                                                                                                     |
| <b>Violation Number</b> <span style="border: 1px solid black; padding: 2px 10px;">1</span>                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code 305.125(1), Tex. Water Code 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011799001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6</span> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables.</span>                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Base Penalty</b>                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$25,000                                                                                                       |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| OR                                                                                                                                                                                                                                                                                                      | <b>Release</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Harm</b><br>Major      Moderate      Minor                                                                  |
|                                                                                                                                                                                                                                                                                                         | Actual                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | x                                                                                                              |
|                                                                                                                                                                                                                                                                                                         | Potential                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Percent</b> <span style="border: 1px solid black; padding: 2px 10px;">100.0%</span>                         |
| <b>&gt;&gt; Programmatic Matrix</b>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
|                                                                                                                                                                                                                                                                                                         | Falsification      Major      Moderate      Minor                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Percent</b> <span style="border: 1px solid black; padding: 2px 10px;">0.0%</span>                           |
| 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. <i>E. coli</i> , dissolved oxygen, and total suspended solids were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environmental receptors as a result of the violation. |                                                                                                                |
| <b>Adjustment</b>                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$0                                                                                                            |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$25,000                                                                                                       |
| <b>Violation Events</b>                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| Number of Violation Events <span style="border: 1px solid black; padding: 2px 10px;">2</span>                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <span style="border: 1px solid black; padding: 2px 10px;">59</span> Number of violation days                   |
|                                                                                                                                                                                                                                                                                                         | daily<br>weekly<br>monthly<br>quarterly<br>semiannual<br>annual<br>single event                                                                                                                                                                                                                                                                                                                                                                                           | x<br><br><br><br><br><br>                                                                                      |
|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 10px;">\$50,000</span>        |
| Two monthly events are recommended for the months of February 2023 and March 2023.                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Good Faith Efforts to Comply</b>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>0.0%</b>                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Reduction <span style="border: 1px solid black; padding: 2px 10px;">\$0</span>                                 |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                |
| <b>Violation Subtotal</b>                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$50,000                                                                                                       |
| <b>Economic Benefit (EB) for this violation</b>                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Statutory Limit Test</b>                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |
| <b>Estimated EB Amount</b>                                                                                                                                                                                                                                                                              | \$3,255                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px 10px;">\$75,000</span> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b>                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$75,000                                                                                                       |

# Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 82  
**Case ID No.** 64812  
**Reg. Ent. Reference No.** RN102183696  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

## 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)                                                                                                                                                                                                                                                                                                                     | \$30,000 | 31-Aug-2022 | 31-Oct-2024 | 2.17 | \$3,255 | n/a | \$3,255 |
| Notes for DELAYED costs<br>Estimated cost to determine the cause of noncompliance, make 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 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

\$30,000

**TOTAL**

\$3,255

|                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 12-Sep-2023<br><b>Respondent</b> Harris County Municipal Utility District No. 82<br><b>Case ID No.</b> 64812<br><b>Reg. Ent. Reference No.</b> RN102183696<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Taylor Williamson | <b>Docket No.</b> 2023-1325-MWD-E<br><br><b>Violation Number</b> 2<br><b>Rule Cite(s)</b> 30 Tex. Admin. Code 305.125(1), Tex. Water Code 26.121(a)(1), and TPDES Permit No. WQ0011799001, Interim Effluent Limitations and Monitoring Requirements No. 1<br><br><b>Violation Description</b> Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables. | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|

|                     |          |
|---------------------|----------|
| <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           |          |       | <b>Percent</b> 50.0% |
|           | Potential      |             |          |       |                      |

**>> Programmatic Matrix**

|  |               |       |          |       |                     |
|--|---------------|-------|----------|-------|---------------------|
|  | Falsification | Major | Moderate | Minor |                     |
|  |               |       |          |       | <b>Percent</b> 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 the environmental receptors as a result of the violation. |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |          |
|-------------------|----------|
| <b>Adjustment</b> | \$12,500 |
|-------------------|----------|

|  |          |
|--|----------|
|  | \$12,500 |
|--|----------|

**Violation Events**

|                            |   |    |                          |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 31 | Number of violation days |
|----------------------------|---|----|--------------------------|

|              |   |  |  |  |  |
|--------------|---|--|--|--|--|
| daily        |   |  |  |  |  |
| weekly       |   |  |  |  |  |
| monthly      | x |  |  |  |  |
| quarterly    |   |  |  |  |  |
| semiannual   |   |  |  |  |  |
| annual       |   |  |  |  |  |
| single event |   |  |  |  |  |

|  |                                        |
|--|----------------------------------------|
|  | <b>Violation Base Penalty</b> \$12,500 |
|--|----------------------------------------|

|                                                                |
|----------------------------------------------------------------|
| One monthly event is recommended for the month of August 2022. |
|----------------------------------------------------------------|

**Good Faith Efforts to Comply**

|               |                                                                          |                                   |
|---------------|--------------------------------------------------------------------------|-----------------------------------|
|               | 0.0%                                                                     |                                   |
|               | 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. |                                   |

|                           |          |
|---------------------------|----------|
| <b>Violation Subtotal</b> | \$12,500 |
|---------------------------|----------|

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

|                            |     |                                                                             |
|----------------------------|-----|-----------------------------------------------------------------------------|
| <b>Estimated EB Amount</b> | \$0 | <b>Statutory Limit Test</b>                                                 |
|                            |     | <b>Violation Final Penalty Total</b> \$18,750                               |
|                            |     | <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$18,750 |

# Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 82  
**Case ID No.** 64812  
**Reg. Ent. Reference No.** RN102183696  
**Media** Water Quality  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

## 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<br>Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in the Economic Benefit Worksheet for Violation 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



|                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 12-Sep-2023<br><b>Respondent</b> Harris County Municipal Utility District No. 82<br><b>Case ID No.</b> 64812<br><b>Reg. Ent. Reference No.</b> RN102183696<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Taylor Williamson | <b>Docket No.</b> 2023-1325-MWD-E<br><br><b>Violation Number</b> 3<br><b>Rule Cite(s)</b> 30 Tex. Admin. Code 305.125(1), Tex. Water Code 26.121(a)(1), and TPDES Permit No. WQ0011799001, Interim Effluent Limitations and Monitoring Requirements No. 1<br><br><b>Violation Description</b> Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables. | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|

|                     |          |
|---------------------|----------|
| <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     | <b>Percent</b> 30.0% |
|           | Potential      |             |          |       |                      |

**>> Programmatic Matrix**

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

|              |                                                                                                                                                                                                                     |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environmental receptors as a result of the violation. |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |          |
|-------------------|----------|
| <b>Adjustment</b> | \$17,500 |
|-------------------|----------|

|  |         |
|--|---------|
|  | \$7,500 |
|--|---------|

**Violation Events**

|                            |   |    |                          |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 31 | Number of violation days |
|----------------------------|---|----|--------------------------|

|  |              |   |                                       |
|--|--------------|---|---------------------------------------|
|  | daily        |   | <b>Violation Base Penalty</b> \$7,500 |
|  | weekly       |   |                                       |
|  | monthly      |   |                                       |
|  | quarterly    | x |                                       |
|  | semiannual   |   |                                       |
|  | annual       |   |                                       |
|  | single event |   |                                       |

|                                                                                          |
|------------------------------------------------------------------------------------------|
| One quarterly event is recommended for the quarter containing the month of January 2023. |
|------------------------------------------------------------------------------------------|

**Good Faith Efforts to Comply**

|                |                                                                          |
|----------------|--------------------------------------------------------------------------|
| <b>0.0%</b>    | <b>Reduction</b>                                                         |
| 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. |

|                           |         |
|---------------------------|---------|
| <b>Violation Subtotal</b> | \$7,500 |
|---------------------------|---------|

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

|                            |     |
|----------------------------|-----|
| <b>Estimated EB Amount</b> | \$0 |
|----------------------------|-----|

**Statutory Limit Test**

|                                      |          |
|--------------------------------------|----------|
| <b>Violation Final Penalty Total</b> | \$11,250 |
|--------------------------------------|----------|

|                                                                    |          |
|--------------------------------------------------------------------|----------|
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$11,250 |
|--------------------------------------------------------------------|----------|

# Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 82  
**Case ID No.** 64812  
**Reg. Ent. Reference No.** RN102183696  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

## 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  | Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in the Economic Benefit Worksheet for Violation 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

| Harris County Municipal Utility District 82<br>TPDES Permit No. WQ0011799001<br>Docket No. 2023-1325-MWD-E<br>Case No. 64812 |                                 |                                 |                          |                               |                               |                               |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|--------------------------|-------------------------------|-------------------------------|-------------------------------|
| Effluent Violation Table No 1.                                                                                               |                                 |                                 |                          |                               |                               |                               |
|                                                                                                                              | CBOD5<br>Daily<br>Avg.<br>Conc. | CBOD5<br>Daily<br>Avg.<br>Load. | Flow Two<br>Hour<br>Peak | NH3<br>Daily<br>Avg.<br>Conc. | NH3<br>Daily<br>Max.<br>Conc. | NH3<br>Daily<br>Avg.<br>Load. |
| Monitoring<br>Period                                                                                                         | Limit =<br>10 mg/l              | Limit =<br>92<br>lbs/day        | Limit =<br>2900<br>GPM   | Limit = 2<br>mg/l             | Limit =<br>10 mg/l            | Limit =<br>28<br>lbs/day      |
| August<br>2022                                                                                                               | c                               | c                               | c                        | c                             | 16.7                          | c                             |
| January<br>2023                                                                                                              | c                               | c                               | 3056                     | c                             | c                             | c                             |
| February<br>2023                                                                                                             | c                               | c                               | c                        | c                             | 12.9                          | c                             |
| March<br>2023                                                                                                                | 10.463                          | 95.08                           | c                        | 16.79                         | 36.9                          | 148.838                       |

| Effluent Violation Table No 2. |                     |                         |                         |                         |                                           |
|--------------------------------|---------------------|-------------------------|-------------------------|-------------------------|-------------------------------------------|
|                                | DO Mon.<br>Min.     | TSS Daily<br>Avg. Conc. | TSS Daily<br>Max. Conc. | TSS Daily<br>Avg. Load. | <i>Escherichia<br/>coli</i> Daily<br>Max. |
| Monitoring<br>Period           | Limit =<br>5.0 mg/l | Limit = 15<br>mg/l      | Limit = 40<br>mg/l      | Limit = 138<br>lbs/day  | Limit = 200<br>MPN/100 ml                 |
| August<br>2022                 | c                   | c                       | c                       | c                       | c                                         |
| January<br>2023                | c                   | c                       | c                       | c                       | c                                         |
| February<br>2023               | c                   | c                       | c                       | c                       | 2,420                                     |
| March<br>2023                  | 4.79                | 102.642                 | 769                     | 1,046.465               | 2,420                                     |

CBOD5 = carbonaceous biochemical oxygen demand (5-day) NH3 = ammonia nitrogen Avg. = average  
Conc. = concentration Load. = loading Max. = maximum DO = dissolved oxygen Mon. = monthly  
Min. = Minimum mg/l = milligrams per liter lbs/day = pounds per day MPN/100ml = most probable  
number per 100 milliliters GPM = gallons per minute TSS = total suspended solids c = compliant



# Compliance History Report

Compliance History Report for CN601468614, RN102183696, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN601468614, Harris County Municipal Utility District No. 82  
**Classification:** SATISFACTORY  
**Rating:** 0.85

**Regulated Entity:** RN102183696, HARRIS COUNTY MUD 82  
**Classification:** SATISFACTORY  
**Rating:** 1.43

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** Approximately 1,900 feet northeast of the intersection of Birnamwood Drive and Cypresswood Drive, Harris County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0011799001

**WASTEWATER EPA ID** TX0071528

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

**Date Compliance History Report Prepared:** February 26, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 26, 2019 to February 26, 2024

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

**Name:** Taylor Williamson

**Phone:** (512) 239-2097

**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 14, 2019     | (1562367) | Item 15 | June 18, 2020      | (1667502) |
| Item 2  | April 18, 2019     | (1572707) | Item 16 | July 14, 2020      | (1674454) |
| Item 3  | May 10, 2019       | (1594055) | Item 17 | September 17, 2020 | (1687795) |
| Item 4  | May 16, 2019       | (1585023) | Item 18 | September 25, 2020 | (1681226) |
| Item 5  | August 28, 2019    | (1614123) | Item 19 | October 16, 2020   | (1694144) |
| Item 6  | September 16, 2019 | (1607268) | Item 20 | November 17, 2020  | (1715083) |
| Item 7  | September 27, 2019 | (1600376) | Item 21 | December 15, 2020  | (1715084) |
| Item 8  | November 20, 2019  | (1619939) | Item 22 | January 18, 2021   | (1715085) |
| Item 9  | December 13, 2019  | (1627294) | Item 23 | February 18, 2021  | (1728148) |
| Item 10 | January 16, 2020   | (1634929) | Item 24 | March 16, 2021     | (1728149) |
| Item 11 | February 19, 2020  | (1641543) | Item 25 | April 19, 2021     | (1728150) |
| Item 12 | March 17, 2020     | (1648056) | Item 26 | May 17, 2021       | (1741369) |
| Item 13 | April 15, 2020     | (1654405) | Item 27 | June 15, 2021      | (1741370) |
| Item 14 | May 18, 2020       | (1660969) |         |                    |           |

|         |                   |           |         |                   |           |
|---------|-------------------|-----------|---------|-------------------|-----------|
| Item 28 | July 08, 2021     | (1723875) | Item 36 | May 16, 2022      | (1829663) |
| Item 29 | July 16, 2021     | (1752576) | Item 37 | June 15, 2022     | (1835962) |
| Item 30 | August 18, 2021   | (1757995) | Item 38 | July 15, 2022     | (1843161) |
| Item 31 | October 19, 2021  | (1777704) | Item 39 | August 17, 2022   | (1849329) |
| Item 32 | January 13, 2022  | (1799375) | Item 40 | October 17, 2022  | (1863448) |
| Item 33 | February 12, 2022 | (1807193) | Item 41 | November 15, 2022 | (1870359) |
| Item 34 | March 16, 2022    | (1814259) | Item 42 | December 12, 2022 | (1876208) |
| Item 35 | April 19, 2022    | (1820831) | Item 43 | January 16, 2023  | (1883027) |

**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: 02/28/2023 (1899407)                                                                         |                 |          |
|    | 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: 03/31/2023 (1906210)                                                                         |                 |          |
|    | 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: 04/30/2023 (1913366)                                                                         |                 |          |
|    | 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: 05/31/2023 (1919974)                                                                         |                 |          |
|    | 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                            |                 |          |
| 5  | Date: 06/30/2023 (1926942)                                                                         |                 |          |
|    | 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                            |                 |          |
| 6  | Date: 07/31/2023 (1933899)                                                                         |                 |          |
|    | 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                            |                 |          |
| 7  | Date: 08/31/2023 (1940042)                                                                         |                 |          |
|    | 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                            |                 |          |
| 8  | Date: 09/30/2023 (1946884)                                                                         |                 |          |
|    | 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                            |                 |          |
| 9  | Date: 10/31/2023 (1952573)                                                                         |                 |          |
|    | 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                            |                 |          |
| 10 | Date: 11/30/2023 (1962344)                                                                         |                 |          |

|              |                                                                                          |                 |          |
|--------------|------------------------------------------------------------------------------------------|-----------------|----------|
| 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                               |                 |          |

**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  
HARRIS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 82  
RN102183696

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

## AGREED ORDER DOCKET NO. 2023-1325-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harris County Municipal Utility District No. 82 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 1,900 feet northeast of the intersection of Birnamwood Drive and Cypresswood Drive in Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on May 30, 2023, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation tables below:

| Effluent Violation Table |                              |                              |                       |                         |                         |                         |
|--------------------------|------------------------------|------------------------------|-----------------------|-------------------------|-------------------------|-------------------------|
|                          | CBOD5<br>Daily Avg.<br>Conc. | CBOD5<br>Daily Avg.<br>Load. | Flow Two<br>Hour Peak | NH3 Daily<br>Avg. Conc. | NH3 Daily<br>Max. Conc. | NH3 Daily<br>Avg. Load. |
| Monitoring<br>Period     | Limit = 10<br>mg/l           | Limit = 92<br>lbs/day        | Limit =<br>2900 GPM   | Limit = 2<br>mg/l       | Limit = 10<br>mg/l      | Limit = 28<br>lbs/day   |
| August<br>2022           | c                            | c                            | c                     | c                       | 16.7                    | c                       |
| January<br>2023          | c                            | c                            | 3056                  | c                       | c                       | c                       |
| February<br>2023         | c                            | c                            | c                     | c                       | 12.9                    | c                       |
| March<br>2023            | 10.463                       | 95.08                        | c                     | 16.79                   | 36.9                    | 148.838                 |

|                      | DO Mon.<br>Min.     | TSS Daily<br>Avg. Conc. | TSS Daily<br>Max. Conc. | TSS Daily<br>Avg. Load. | <i>Escherichia<br/>coli</i> Daily<br>Max. |
|----------------------|---------------------|-------------------------|-------------------------|-------------------------|-------------------------------------------|
| Monitoring<br>Period | Limit =<br>5.0 mg/l | Limit = 15<br>mg/l      | Limit = 40<br>mg/l      | Limit = 138<br>lbs/day  | Limit = 200<br>MPN/100 ml                 |
| August<br>2022       | c                   | c                       | c                       | c                       | c                                         |
| January<br>2023      | c                   | c                       | c                       | c                       | c                                         |
| February<br>2023     | c                   | c                       | c                       | c                       | 2,420                                     |
| March<br>2023        | 4.79                | 102.642                 | 769                     | 1,046.465               | 2,420                                     |

CBOD5 = carbonaceous biochemical oxygen demand (5-day) NH3 = ammonia nitrogen Avg. = average  
Conc. = concentration Load. = loading Max. = maximum DO = dissolved oxygen Mon. = monthly  
Min. = Minimum mg/l = milligrams per liter lbs/day = pounds per day MPN/100ml = most probable  
number per 100 milliliters GPM = gallons per minute TSS = total suspended solids c = compliant



## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to 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. WQ0011799001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$105,000 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$105,000 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.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Harris County Municipal District No. 82, Docket No. 2023-1325-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 implement and complete the SEP as set forth in Conclusion of Law No. 4. The amount of \$105,000 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 effluent limitations of TPDES Permit No. WQ0011799001, 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. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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. 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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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. 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.
10. 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.
11. 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

*Kristi Meece-Jurack*  
-----  
For the Executive Director

09/07/2025  
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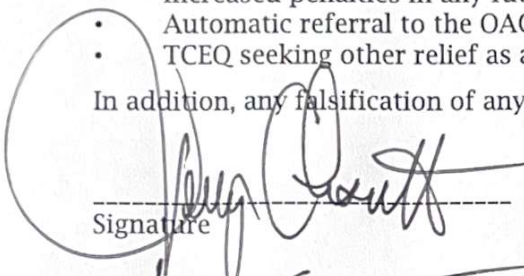
Date

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.

  
-----  
Signature

7/02/2025  
-----

Date

John CHESNUT  
-----  
Name (Printed or typed)

President  
-----

Title

Authorized Representative of  
Harris County Municipal Utility District No. 82

☐ 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: 2023-1325-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                           |                                                 |
|---------------------------|-------------------------------------------------|
| <b>Respondent:</b>        | Harris County Municipal Utility District No. 82 |
| <b>Penalty Amount:</b>    | \$105,000                                       |
| <b>SEP Offset Amount:</b> | \$105,000                                       |
| <b>Type of SEP:</b>       | Compliance                                      |
| <b>Project Name:</b>      | <i>WWTP Improvements</i>                        |
| <b>Location of SEP:</b>   | Harris County                                   |

The Texas Commission on Environmental Quality (“the Commission” or “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 (the “Facility”) which are described in this Agreed Order.

**1. Project Description**

*A. Project*

Respondent hired a contractor to purchase and install a return and waste activated sludge (RAS/WAS) overflow drainpipe at the lift station of the Facility. Additionally, respondent hired a contractor to purchase and install four replacement mud valves at the treatment basins of the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for an overflow drainpipe and four mud valves (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 below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including 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 preventing wastewater discharges and improving the quality of effluent released into the environment. Wastewater discharges 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**

| <b>Item</b>                                | <b>Total</b>        |
|--------------------------------------------|---------------------|
| RAS/WAS Overflow Drainpipe to Lift Station | \$65,503.14         |
| Four Replacement Mud Valves                | \$40,199.64         |
| <b>Total</b>                               | <b>\$105,702.78</b> |

**2. Records**

As of June 19, 2024, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An 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. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
6. A detailed map showing the specific location of the project site(s); and
7. Dated photographs of 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 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.