

Executive Summary – Enforcement Matter – Case No. 65339
East Montgomery County Municipal Utility District 4
RN102805959
Docket No. 2024-0191-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:

Mare Branch WWTP, located approximately 4,000 feet northwest of the intersection of U.S. Highway 59 and State Highway 242, New Caney, Montgomery County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 7, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,663

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$20,663

Name of SEP: WWTF Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 2, 2023

Date(s) of NOE(s): January 5, 2024

**Executive Summary – Enforcement Matter – Case No. 65339
East Montgomery County Municipal Utility District 4
RN102805959
Docket No. 2024-0191-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014311001 Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 30, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with permitted effluent limitations.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

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: Falon Gunter, President, East Montgomery County Municipal Utility District 4, 3700 Buffalo Speedway, Suite 830, Houston, Texas 77098

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Jan-2024	
	PCW	7-Feb-2024	
	Screening	29-Jan-2024	
	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	East Montgomery County Municipal Utility District 4		
Reg. Ent. Ref. No.	RN102805959		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	65339	No. of Violations	2
Docket No.	2024-0191-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Taylor Williamson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$23,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	12.0%	Adjustment	Subtotals 2, 3, & 7	\$2,850	
Notes	Enhancement for two self-reported effluent violations and one NOV with dissimilar violations.				
Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.				
Good Faith Effort to Comply Total Adjustments			Subtotal 5	-\$5,937	
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0	
Total EB Amounts	\$1,249	*Capped at the Total EB \$ Amount			
Estimated Cost of Compliance	\$20,000				

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,663
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$20,663

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,663
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$20,663
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Screening Date	29-Jan-2024	Docket No.	2024-0191-MWD-E	PCW
Respondent	East Montgomery County Municipal Utility District 4			Policy Revision 5 (January 28, 2021)
Case ID No.	65339			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102805959			
Media	Water Quality			
Enf. Coordinator	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>)	2	10%
	Other written NOVs	1	2%
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) 12%

>> 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 two self-reported effluent violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 12%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 12%

Screening Date 29-Jan-2024 Respondent East Montgomery County Municipal Utility District 4 Case ID No. 65339 Reg. Ent. Reference No. RN102805959 Media Water Quality Enf. Coordinator Taylor Williamson	Docket No. 2024-0191-MWD-E <div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
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Violation Number	1	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014311001 Effluent Limitations and Monitoring Requirements No. 1
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	x			Percent 50.0%
Potential					

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
		A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. <i>Escherichia coli</i> was also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health and environmental receptors as a result of the violation.				

Adjustment \$12,500

\$12,500

Violation Events

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

	daily		Violation Base Penalty \$12,500
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

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

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by June 30, 2023.	

Reduction \$3,125

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1,249
	Violation Final Penalty Total \$10,875
	This violation Final Assessed Penalty (adjusted for limits) \$10,875

Economic Benefit Worksheet

Respondent East Montgomery County Municipal Utility District 4
Case ID No. 65339
Reg. Ent. Reference No. RN102805959
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	31-Mar-2022	30-Jun-2023	1.25	\$1,249	n/a	\$1,249

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,249

Screening Date	29-Jan-2024	Docket No.	2024-0191-MWD-E	PCW
Respondent	East Montgomery County Municipal Utility District 4	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	65339	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102805959			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014311001 Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	3	185	Number of violation days
----------------------------	---	-----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of March, May, June, July, and December 2022, and January 2023.

Good Faith Efforts to Comply

	25.0%	
		Reduction
		\$2,812

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance by June 30, 2023.		

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	Violation Final Penalty Total \$9,788
This violation Final Assessed Penalty (adjusted for limits) \$9,788	

Economic Benefit Worksheet

Respondent East Montgomery County Municipal Utility District 4
Case ID No. 65339
Reg. Ent. Reference No. RN102805959
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See 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

East Montgomery County Municipal Utility District 4 TPDES Permit No. WQ0014311001 Case No. 65339 Docket No. 2024-0191-MWD-E					
Effluent Violation Table					
	<i>E. coli</i> Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.	NH3-N Daily Avg. Conc.	NH3-N Single Grab Conc.	NH3-N Daily Avg. Loading
Monitoring Period	Limit = 63 MPN/100ml	Limit = 200 MPN/100ml	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.8 lbs/day
March 2022	c	c	<5.65	25.4	c
May 2022	c	c	3.51	c	c
June 2022	c	c	15.5	27.7	4.93
July 2022	c	c	13.8	38.3	c
August 2022	2,420	2,420	9.53	39.8	c
December 2022	c	c	<17.4	24.6	c
January 2023	c	c	<7.61	37.4	c

E. coli = *Escherichia coli* NH3-N = ammonia nitrogen Avg. = average Conc. = concentration
MPN/100ml = most probable number per 100 milliliters mg/L = milligrams per liter
lbs/day = pounds per day c = compliant



Compliance History Report

Compliance History Report for CN602649113, RN102805959, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN602649113, East Montgomery County MUD 4 **Classification:** SATISFACTORY **Rating:** 1.78

Regulated Entity: RN102805959, MARE BRANCH WWTP **Classification:** SATISFACTORY **Rating:** 1.89

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 4,000 feet northwest of the intersection of U.S. Highway 59 and State Highway 242 in Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0014311001 **WASTEWATER EPA ID** TX0124583

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

Date Compliance History Report Prepared: January 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 24, 2019 to January 24, 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	October 16, 2019	(1608293)	Item 15	December 18, 2020	(1718089)
Item 2	November 20, 2019	(1620969)	Item 16	February 18, 2021	(1731136)
Item 3	December 16, 2019	(1628303)	Item 17	April 19, 2021	(1731138)
Item 4	January 15, 2020	(1635929)	Item 18	May 17, 2021	(1742843)
Item 5	February 19, 2020	(1642544)	Item 19	June 15, 2021	(1742844)
Item 6	March 13, 2020	(1649053)	Item 20	August 18, 2021	(1758932)
Item 7	April 14, 2020	(1655414)	Item 21	September 18, 2021	(1768287)
Item 8	May 18, 2020	(1661965)	Item 22	October 14, 2021	(1778814)
Item 9	June 18, 2020	(1668506)	Item 23	November 10, 2021	(1785481)
Item 10	July 20, 2020	(1675452)	Item 24	December 16, 2021	(1792524)
Item 11	September 16, 2020	(1688793)	Item 25	January 17, 2022	(1800366)
Item 12	September 30, 2020	(1682231)	Item 26	February 12, 2022	(1808198)
Item 13	October 16, 2020	(1695162)	Item 27	March 16, 2022	(1815243)
Item 14	November 18, 2020	(1718088)			

Item 28	May 16, 2022	(1830711)	Item 34	June 13, 2023	(1920942)
Item 29	October 17, 2022	(1864422)	Item 35	July 13, 2023	(1927927)
Item 30	November 15, 2022	(1871332)	Item 36	August 11, 2023	(1934870)
Item 31	December 12, 2022	(1877184)	Item 37	September 13, 2023	(1941044)
Item 32	March 15, 2023	(1900382)	Item 38	October 13, 2023	(1947843)
Item 33	May 12, 2023	(1914336)	Item 39	November 15, 2023	(1953533)

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

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

- | | | | | |
|---|--------------|---|-----------|--------------------------|
| 1 | Date: | 01/31/2023 | (1891815) | |
| | Self Report? | YES | | Classification: Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: | 03/31/2023 | (1907181) | |
| | Self Report? | YES | | Classification: Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: | 05/23/2023 | (1897175) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements No. 1 PERMIT | | |
| | Description: | Failure to maintain the required number of operational blowers. Specifically, Train 1 had one functional aeration blower. | | |
| | Self Report? | NO | | Classification: Minor |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements No. 1 PERMIT | | |
| | Description: | Failure to properly maintain and operate all treatment units. Specifically, the clarifier on Train 1 had 4.5-feet of sludge out of 9.0-foot water-depth. The maximum recommended sludge depth is 25% of the total water depth. In addition, the chlorine contact basin on Train 1 had 0.5 feet of sludge out of a 8.5-foot water depth and floating solids were observed. | | |

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
EAST MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT 4
RN102805959

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

AGREED ORDER DOCKET NO. 2024-0191-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding East Montgomery County Municipal Utility District 4 (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 4,000 feet northwest of the intersection of United States Highway 59 and State Highway 242 in Montgomery County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on May 2, 2023, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below.

Effluent Violation Table					
	<i>E. coli</i> Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.	NH3-N Daily Avg. Conc.	NH3-N Single Grab Conc.	NH3-N Daily Avg. Loading
Monitoring Period	Limit = 63 MPN/100ml	Limit = 200 MPN/100ml	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.8 lbs/day
March 2022	c	c	<5.65	25.4	c
May 2022	c	c	3.51	c	c
June 2022	c	c	15.5	27.7	4.93
July 2022	c	c	13.8	38.3	c
August 2022	2,420	2,420	9.53	39.8	c
December 2022	c	c	<17.4	24.6	c
January 2023	c	c	<7.61	37.4	c

E. coli = *Escherichia coli* NH3-N = ammonia nitrogen Avg. = average Conc. = concentration
MPN/100ml = most probable number per 100 milliliters mg/L = milligrams per liter
lbs/day = pounds per day c = compliant

3. The Executive Director recognizes that by June 30, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with permitted effluent limitations.

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. WQ0014311001 Effluent Limitations and Monitoring Requirements No. 1.
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 \$20,663 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, \$20,663 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: East Montgomery County Municipal Utility District 4, Docket No. 2024-0191-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 \$20,663 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



4/7/2025

Date

For the Executive Director

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

February 6, 2025

Date

Fallon Gunter

President

Name (Printed or typed)

Title

Authorized Representative of

East Montgomery County Municipal Utility District 4

☐ 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: 2024-0191-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	East Montgomery County Municipal Utility District 4
Penalty Amount:	\$20,663
SEP Offset Amount:	\$20,663
Type of SEP:	Compliance
Project Name:	<i>WWTF Improvements</i>
Location of SEP:	Montgomery 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 two replacement blowers at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for two replacement blowers (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 improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Two Replacement Blowers	\$23,273.75
Total	\$23,273.75

2. Records

As of April 4, 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. A detailed map showing the specific location of the project site(s); and
6. Dated photographs 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.