

Executive Summary – Enforcement Matter – Case No. 65525
Harris County Municipal Utility District No. 358
RN102844776
Docket No. 2024-0400-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Fairfield Village Regional WWTP, located approximately 1,500 feet north of U.S. Highway 290 and 2,800 feet west of Mueschke Road, Cypress, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 5, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$24,000

Amount Deferred for Expedited Settlement: \$4,800

Total Paid to General Revenue: \$19,200

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 1, 2023

Date(s) of NOE(s): January 25, 2024

**Executive Summary – Enforcement Matter – Case No. 65525
Harris County Municipal Utility District No. 358
RN102844776
Docket No. 2024-0400-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for *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. WQ0013296002, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013296002, 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

Respondent: Don M. Garrett, President, Harris County Municipal Utility District No. 358, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

Respondent's Attorney: Katie Carner, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Feb-2024		
	PCW	29-Feb-2024	Screening	15-Feb-2024
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Harris County Municipal Utility District No. 358			
Reg. Ent. Ref. No.	RN102844776			
Facility/Site Region	12-Houston	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	65525	No. of Violations	2	
Docket No.	2024-0400-MWD-E	Order Type	1660	
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	\$20,000
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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	20.0%	Adjustment	Subtotals 2, 3, & 7	\$4,000
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Notes	Enhancement for three months of self-reported effluent violations and one NOV for same/similar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,418	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,000
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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	\$24,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,800
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$19,200
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Screening Date

15-Feb-2024

Docket No.

2024-0400-MWD-E

PCW

Respondent

Harris County Municipal Utility District No. 358

Case ID No.

65525

Reg. Ent. Reference No.

RN102844776

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%20%

Screening Date	15-Feb-2024	Docket No.	2024-0400-MWD-E	PCW	
Respondent	Harris County Municipal Utility District No. 358			Policy Revision 5 (January 28, 2021)	
Case ID No.	65525	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN102844776				
Media	Water Quality				
Enf. Coordinator	Taylor Williamson				
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. WQ0013296002, 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 50.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Escherichia coli was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or 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				
	weekly				
	monthly	x			
	quarterly				
	semiannual			Violation Base Penalty \$12,500	
	annual				
	single event				
One monthly event is recommended for the month of May 2023.					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
	Extraordinary		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$12,500	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$1,418	Violation Final Penalty Total		\$15,000
This violation Final Assessed Penalty (adjusted for limits)				\$15,000	

Economic Benefit Worksheet

Respondent Case ID No. Harris County Municipal Utility District No. 358
Reg. Ent. Reference No. 65525
Media RN102844776
Violation No. Water Quality
1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	31-May-2023	20-Apr-2025	1.89	\$1,418	n/a	\$1,418
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 estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$15,000	TOTAL	\$1,418
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Screening Date		15-Feb-2024		Docket No.		2024-0400-MWD-E		PCW	
Respondent		Harris County Municipal Utility District No. 358						Policy Revision 5 (January 28, 2021)	
Case ID No.		65525						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN102844776							
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. WQ0013296002, 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		Major		Moderate		Minor		
	Actual						x		
	Potential								
Percent								30.0%	
>>Programmatic Matrix									
Falsification		Major		Moderate		Minor			
Percent								0.0%	
Matrix Notes		Escherichia coli was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.							
Adjustment								\$17,500	
								\$7,500	
Violation Events									
Number of Violation Events		1		30		Number of violation days			
daily									
weekly									
monthly									
quarterly		x				Violation Base Penalty			
semiannual						\$7,500			
annual									
single event									
One quarterly event is recommended for the quarter containing the month of June 2023.									
Good Faith Efforts to Comply		0.0%		Reduction		\$0			
Extraordinary				Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer			
Ordinary									
N/A		x							
Notes		The Respondent does not meet the good faith criteria for this violation.							
Violation Subtotal								\$7,500	
Economic Benefit (EB) for this violation									
Statutory Limit Test									
Estimated EB Amount		\$0		Violation Final Penalty Total		\$9,000			
This violation Final Assessed Penalty (adjusted for limits)								\$9,000	

Economic Benefit Worksheet

Respondent Case ID No. Harris County Municipal Utility District No. 358
Reg. Ent. Reference No. 65525
Media RN102844776
Violation No. Water Quality
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 CostsANNUALIZE 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
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Harris County Municipal Utility District No. 358

TPDES Permit No. WQ0013296002

Case No. 65525

Docket No. 2024-0400-MWD-E

Effluent Violation Table

	<i>Escherichia coli</i> Daily Average Concentration	<i>Escherichia coli</i> Daily Maximum Concentration
Monitoring Period	Limit = 63 MPN/100 mL	Limit = 200 MPN/100 mL
May 2023	66	1990
June 2023	69.9	387

MPN/100 mL = most probable number per 100 milliliters



Compliance History Report

Compliance History Report for CN600736219, RN102844776, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600736219, Harris County Municipal Utility District No. 358 **Classification:** SATISFACTORY **Rating:** 0.40

Regulated Entity: RN102844776, FAIRFIELD VILLAGE REGIONAL WASTEWATER TREATMENT PLANT **Classification:** SATISFACTORY **Rating:** 0.40

Complexity Points: 13 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 1,500 feet north of United States Highway 290 and 2,800 feet west of Mueschke Road, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0013296002

WASTEWATER EPA ID TX0105376

STORMWATER PERMIT TXR05EY21

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

Date Compliance History Report Prepared: February 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 22, 2019 to February 22, 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 19, 2019	(1564245)	Item 13	March 18, 2020	(1648666)
Item 2	April 18, 2019	(1573343)	Item 14	April 20, 2020	(1655021)
Item 3	May 19, 2019	(1586293)	Item 15	May 15, 2020	(1661580)
Item 4	June 18, 2019	(1586294)	Item 16	June 16, 2020	(1668114)
Item 5	July 19, 2019	(1594690)	Item 17	July 20, 2020	(1675061)
Item 6	September 19, 2019	(1607907)	Item 18	September 15, 2020	(1688406)
Item 7	September 30, 2019	(1600990)	Item 19	September 30, 2020	(1681829)
Item 8	October 18, 2019	(1614772)	Item 20	October 16, 2020	(1694767)
Item 9	November 18, 2019	(1620561)	Item 21	November 17, 2020	(1716887)
Item 10	December 17, 2019	(1627911)	Item 22	December 15, 2020	(1716888)
Item 11	January 20, 2020	(1635537)	Item 23	January 19, 2021	(1716889)
Item 12	February 19, 2020	(1642154)	Item 24	February 16, 2021	(1729967)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 358
RN102844776

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

AGREED ORDER DOCKET NO. 2024-0400-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harris County Municipal Utility District No. 358 (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, represented by Katie Carner of the law firm of Allen Boone Humphries Robinson LLP, together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 1,500 feet north of United States Highway 290 and 2,800 feet west of Mueschke Road in Cypress, 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$24,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,200 of the penalty and \$4,800 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on November 1, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013296002, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

	<i>Escherichia coli</i> Daily Average Concentration	<i>Escherichia coli</i> Daily Maximum Concentration
Monitoring Period	Limit = 63 MPN/100 mL	Limit = 200 MPN/100 mL
May 2023	66	1990
June 2023	69.9	387

MPN/100 mL = most probable number per 100 milliliters

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Harris County Municipal Utility District No. 358, Docket No. 2024-0400-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, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013296002, 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. This 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

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. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. 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.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

6/28/2024
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

May 6/24
Date

Don Garza
Name (Printed or typed)

President
Title

Authorized Representative of

Harris County Municipal Utility District No. 358

☐ 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.