

**Executive Summary – Enforcement Matter – Case No. 65836**  
**MHP Utility Systems, Inc.**  
**RN103118980**  
**Docket No. 2024-0695-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

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

Cedar Grove MHP, 18810 Treetop Lane, Pearland, Brazoria 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:** December 20, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,875

**Amount Deferred for Expedited Settlement:** \$2,175

**Total Paid to General Revenue:** \$8,700

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** January 30, 2024

**Date(s) of NOE(s):** April 1, 2024

**Executive Summary – Enforcement Matter – Case No. 65836**  
**MHP Utility Systems, Inc.**  
**RN103118980**  
**Docket No. 2024-0695-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for carbonaceous biochemical oxygen demand (5-day), flow, total ammonia nitrogen, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015237001, 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 permitted effluent limitations of TPDES Permit No. WQ0015237001, 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:** Sarah Castillo, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1130; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Robert Azzarello, President, MHP Utility Systems, Inc., 18810 Treetop Lane, Pearland, Texas 77584

**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>	8-Apr-2024	<b>Screening</b>	10-Apr-2024	<b>EPA Due</b>	
	<b>PCW</b>	7-May-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	MHP Utility Systems, Inc.
<b>Reg. Ent. Ref. No.</b>	RN103118980
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65836	<b>No. of Violations</b>	1
<b>Docket No.</b>	2024-0695-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Sarah Castillo
		<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>	\$7,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	45.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$3,375
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<b>Notes</b>	Enhancement for nine months of self-reported effluent violations.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,911	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$38,322	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,875
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$10,875
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,875
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,175
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$8,700
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<b>Screening Date</b>	10-Apr-2024	<b>Docket No.</b>	2024-0695-MWD-E	<b>PCW</b>
<b>Respondent</b>	MHP Utility Systems, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	65836			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN103118980			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Sarah Castillo			

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> )	9	45%
	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) 45%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3)	0%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for nine months of self-reported effluent violations.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 45%

<b>Screening Date</b> 10-Apr-2024 <b>Respondent</b> MHP Utility Systems, Inc. <b>Case ID No.</b> 65836 <b>Reg. Ent. Reference No.</b> RN103118980 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Sarah Castillo	<b>Docket No.</b> 2024-0695-MWD-E  <div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i>  <i>PCW Revision February 11, 2021</i> </div>	<b>PCW</b>
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<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015237001, Effluent Limitations and Monitoring Requirements No. 1		
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		

  

**Base Penalty** \$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> <span style="border: 1px solid black; padding: 2px 20px;">15.0%</span>
Potential					

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">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. Flow and total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

  

**Adjustment** \$21,250

\$3,750

  

**Violation Events**

Number of Violation Events 2

92 Number of violation days

	daily				
	weekly				<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$7,500</span>
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

  

Two quarterly events are recommended for the quarters containing the months of May, June, and October 2023.

  

**Good Faith Efforts to Comply**

**0.0%**

Reduction \$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.

  

**Violation Subtotal** \$7,500

  

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

**Statutory Limit Test**

<b>Estimated EB Amount</b> <span style="border: 1px solid black; padding: 2px 20px;">\$3,911</span>	<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px 20px;">\$10,875</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px 20px;">\$10,875</span>	

# Economic Benefit Worksheet

**Respondent** MHP Utility Systems, Inc.  
**Case ID No.** 65836  
**Reg. Ent. Reference No.** RN103118980  
**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)	\$38,322	31-May-2023	14-Jun-2025	2.04	\$3,911	n/a	\$3,911

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 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

\$38,322

**TOTAL**

\$3,911

MHP Utility Systems Inc Docket No. 2024-0695-MWD-E TPDES Permit No. WQ0015237001 Case No. 65836				
Effluent Violation Table				

	CBOD (5-day) Daily Average Concentration	CBOD (5-day) Single Grab Concentration	CBOD (5-day) Daily Average Loading	Flow Daily Average Concentration
Monitoring Period	Limit = 5 mg/L	Limit = 30 mg/L	Limit = 2 lbs/day	Limit = 0.049 MGD
May 2023	18	51.8	4.4	c
June 2023	15.9	68.6	2.6	c
October 2023	6.5	c	3.6	0.0661

	Total NH3N Daily Average Concentration	Total NH3N Single Grab Concentration	Total NH3N Daily Average Loading	TSS Daily Average Concentration	TSS Daily Average Loading
Monitoring Period	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 0.82 lbs/day	Limit = 12 mg/L	Limit = 4.9 lbs/day
May 2023	c	c	c	13.2	c
June 2023	6.01	28	0.96	c	c
October 2023	c	c	c	c	5

CBOD (5-day) = Carbonaceous Biochemical Oxygen Demand (5-day)

Total NH3N = Total Ammonia Nitrogen    TSS = Total Suspended Solids    c = compliant

mg/L = milligrams per liter    lbs/day = pounds per day



# Compliance History Report

Compliance History Report for CN604901579, RN103118980, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN604901579, MHP Utility Systems, Inc.

**Classification:** SATISFACTORY

**Rating:** 4.80

**Regulated Entity:** RN103118980, CEDAR GROVE MHP

**Classification:** SATISFACTORY

**Rating:** 4.80

**Complexity Points:** 5

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 18810 Treetop Lane, Pearland, Brazoria County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER** EPA ID TX0135283

**WASTEWATER** PERMIT WQ0015237001

**Compliance History Period:** September 01, 2019, to August 31, 2024

**Rating Year:** 2024

**Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** September 27, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 27, 2019, to September 27, 2024

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

**Name:** Sarah Castillo

**Phone:** (512) 239-1130

**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	September 30, 2019	(1601813)	Item 15	September 19, 2021	(1768734)
Item 2	October 15, 2019	(1615590)	Item 16	November 19, 2021	(1785975)
Item 3	November 15, 2019	(1621393)	Item 17	December 20, 2021	(1792964)
Item 4	December 12, 2019	(1628729)	Item 18	January 20, 2022	(1800787)
Item 5	January 13, 2020	(1636347)	Item 19	February 26, 2022	(1808606)
Item 6	February 14, 2020	(1642965)	Item 20	May 19, 2022	(1831123)
Item 7	April 16, 2020	(1649471)	Item 21	June 20, 2022	(1837401)
Item 8	April 21, 2020	(1655837)	Item 22	July 19, 2022	(1844568)
Item 9	May 15, 2020	(1662378)	Item 23	August 22, 2022	(1851093)
Item 10	July 20, 2020	(1675874)	Item 24	September 20, 2022	(1858523)
Item 11	May 19, 2021	(1732401)	Item 25	October 20, 2022	(1864860)
Item 12	June 17, 2021	(1748742)	Item 26	November 21, 2022	(1871750)
Item 13	July 20, 2021	(1753979)	Item 27	December 21, 2022	(1877631)
Item 14	August 13, 2021	(1759332)	Item 28	January 19, 2023	(1884436)



Item 29	February 20, 2023	(1892233)	Item 32	October 12, 2023	(1941520)
Item 30	March 20, 2023	(1900822)	Item 33	December 08, 2023	(1953951)
Item 31	April 21, 2023	(1907615)			

**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: 10/31/2023 (1953952)   |                 |          |
|   | 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: 11/30/2023 (1963755)   |                 |          |
|   | 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: 12/31/2023 (1970320)   |                 |          |
|   | 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: 01/31/2024 (1979400)   |                 |          |
|   | 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: 02/29/2024 (1985960)   |                 |          |
|   | 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: 03/31/2024 (1992501)   |                 |          |
|   | 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: 04/30/2024 (1998936)   |                 |          |
|   | 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: 05/31/2024 (2005901)   |                 |          |
|   | 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: 06/30/2024 (2013461)   |                 |          |
|   | 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  
MHP UTILITY SYSTEMS, INC.  
RN103118980

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2024-0695-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 MHP Utility Systems, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 18810 Treetop Lane in Pearland, Brazoria 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 \$10,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,700 of the penalty and \$2,175 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 January 30, 2024, 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. WQ0015237001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation tables below.

Effluent Violation Table
--------------------------

	CBOD (5-day) Daily Average Concentration	CBOD (5-day) Single Grab Concentration	CBOD (5-day) Daily Average Loading	Flow Daily Average Concentration
Monitoring Period	Limit = 5 mg/L	Limit = 30 mg/L	Limit = 2 lbs/day	Limit = 0.049 MGD
May 2023	18	51.8	4.4	c
June 2023	15.9	68.6	2.6	c
October 2023	6.5	c	3.6	0.0661

	Total NH3N Daily Average Concentration	Total NH3N Single Grab Concentration	Total NH3N Daily Average Loading	TSS Daily Average Concentration	TSS Daily Average Loading
Monitoring Period	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 0.82 lbs/day	Limit = 12 mg/L	Limit = 4.9 lbs/day
May 2023	c	c	c	13.2	c
June 2023	6.01	28	0.96	c	c
October 2023	c	c	c	c	5

CBOD (5-day) = Carbonaceous Biochemical Oxygen Demand (5-day)    Total NH3N = Total Ammonia Nitrogen    TSS = Total Suspended Solids    c = compliant  
mg/L = milligrams per liter    lbs/day = pounds per day

### 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: MHP Utility Systems, Inc., Docket No. 2024-0695-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, Texas 78753

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015237001, 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, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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



1/15/2025

For the Executive Director

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

Date



11-19-24

ROBERT AZZARELLO

PRESIDENT

Name (Printed or typed)

Title

Authorized Representative of  
MHP Utility Systems, Inc.

☐ If mailing address has changed, please check this box and provide the new address below:

✓ 18810 TREE TOP LN  
PEARLAND, TX 77584

not Westlake Village 91361 X

**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.