EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1687-PWS-E **TCEQ ID:** RN102677705 **CASE NO.:** 31216
RESPONDENT NAME: Travis County Water Control and Improvement District 20

ORDER TYPE:

__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Travis County WCID 20, at the end of Weston Lane, north of Farm-to-Market Road 2244, Travis County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-4077; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Chad Ahlgren, Corpus Christi Regional Office, R-14, (361) 825-3100
Central Office Investigator: Ms. Christine Garcia, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-2370
Respondent: Mr. Page Skerry, President, Travis County Water Control and Improvement District 20, 100 Congress Avenue, Suite 300, Austin, Texas 78701
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** July 21, 2006 **Dates of NOV(s)/NOE(s) Relating to this Case:** February 8, March 30, April 21, July 8, July 15 and November 17, 2005 and February 24 and April 19, 2006 (NOVs); July 21, 2006 (NOE) **Background Facts:** This was a routine record review. Two violations were documented. **WATER** 1) Failed to comply with the maximum Contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $1,208 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,208 **Site Compliance History Classification:** __High __Avg. __Poor **Person Compliance History Classification:** __High __Avg. __Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The Respondent has eight prior NOVs for the same or similar violations over the previous five year period.	**Corrective Actions Taken:** The Executive Director recognizes that Travis County WCID 20 has implemented the following corrective measures at the Facility: a. On June 29, 2005 implemented an alternative method of chemical disinfection with chloramine; b. On November 21, 2005 achieved compliance with the running annual average MCL for HAA5. Specifically, the running annual average for HAA5 was 0.045 mg/L in the fourth quarter of 2005; and c. On September 19, 2006 achieved compliance with the running annual average MCL for TTHM. Specifically, the running average for TTHM was 0.065 mg/L in the third quarter of 2006.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	05-Sep-2006				
PCW	18-Sep-2006	Screening	15-Sep-2006	EPA Due	21-Mar-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Travis County Water Control and Improvement District 20		
Reg. Ent. Ref. No.	RN102677705		
Facility/Site Region	11-Austin	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31216	No. of Violations	2
Docket No.	2006-1687-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 46% Enhancement *Subtotals 2, 3, & 7* $345

Notes: The penalty enhancement is due to eight prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and three dissimilar prior NOVs.

Culpability Yes 25% Enhancement *Subtotal 4* $188

Notes: The respondent was issued alert letters for total trihalomethanes ("TTHM") exceedance on February 4, 2004 and September 7, 2004, and for haloacetic acids ("HAA5") exceedance on September 7, 2004 and January 24, 2005.

Good Faith Effort to Comply 10% Reduction *Subtotal 5* -$75

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		*(mark with a small x)*

Notes: The respondent came into compliance as of September 21, 2006.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$622
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 Final Subtotal $1,208

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $1,208

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $1,208

DEFERRAL 0% Reduction Adjustment $0

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral offered with a Findings Order.

PAYABLE PENALTY $1,208

Screening Date 15-Sep-2006 **Docket No.** 2006-1687-PWS-E

PCW

Respondent Travis County Water Control and Improvement District 20

Policy Revision 2 (September 2002)

Case ID No. 31216

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102677705

Media [Statute] Public Water Supply

Enf. Coordinator Yullya Dunaway

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	8	40%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
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) **46%**

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes

The penalty enhancement is due to eight prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and three dissimilar prior NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **46%**

Screening Date 15-Sep-2006 **Docket No.** 2006-1687-PWS-E **PCW**

Respondent Travis County Water Control and Improvement District 20 *Policy Revision 2 (September 2002)*

Case ID No. 31216 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102677705

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for TTHM based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.084 mg/L for the fourth quarter of 2004, 0.090 mg/L for the first quarter of 2005, 0.109 mg/L for the second quarter of 2005, 0.111 mg/L for the third quarter of 2005, 0.100 mg/L for the fourth quarter of 2005, and 0.091 mg/L for the first quarter of 2006.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to comply with the MCL for TTHM resulted in the exposure of customers of the water supply to a significant amount of contaminants which did not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $622

Statutory Limit Test

Violation Final Penalty Total $805

This violation Final Assessed Penalty (adjusted for limits) $805

Economic Benefit Worksheet

Respondent Travis County Water Control and Improvement District 20
Case ID No. 31216
Reg. Ent. Reference No. RN102677705
Media [Statute] Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$5,000	09-Dec-2004	19-Sep-2006	1.8	$30	$593	$622
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to implement an alternative method of disinfection, calculated from the date when the first exceedance occurred to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance: $5,000

TOTAL $622

Screening Date 15-Sep-2006 **Docket No.** 2006-1687-PWS-E **PCW**

Respondent Travis County Water Control and Improvement District 20 *Policy Revision 2 (September 2002)*

Case ID No. 31216 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102677705

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(5)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to comply with the MCL of 0.060 mg/L for HAA5 based on a running annual average. Specifically, the running annual average concentration of HAA5 was 0.062 mg/L for the first quarter of 2005 and 0.068 mg/L for the second quarter of 2005.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to comply with the MCL for HAA5 resulted in the exposure of customers of the water supply to a significant amount of contaminants which did not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $403

This violation Final Assessed Penalty (adjusted for limits) $403

Economic Benefit Worksheet

Respondent Travis County Water Control and Improvement District 20
Case ID No. 31216
Reg. Ent. Reference No. RN102677705
Media [Statute] Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs associated with this violation are being addressed in violation No.1 economic benefit worksheet.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance: $0

TOTAL $0

Compliance History

Customer/Respondent/Owner-Operator:	CN600739270	Travis County Water Control and Improvement District 20	Classification:	Rating:
Regulated Entity:	RN102677705	TRAVIS COUNTY WCID 20	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2270231
	WATER LICENSING	LICENSE	2270231
Location:	WESTON LN, NORTH OF FM ROAD 2244, TRAVIS COUNTY		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	September 13, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 13, 2001 to September 13, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

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 of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/07/2003	(24267)
2	07/15/2005	(489167)
3	09/03/2002	(7775)
4	02/24/2006	(489049)
5	04/26/2006	(335408)
6	07/14/2004	(278185)
7	04/19/2006	(489087)
8	08/31/2006	(497525)
9	03/30/2005	(489165)
10	09/12/2006	(510448)
11	07/08/2005	(488993)
12	11/17/2005	(489028)
13	09/17/2004	(334656)
14	04/21/2005	(488941)
15	06/13/2003	(96088)
16	02/08/2005	(488116)

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

Date: 03/30/2005 (489165)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for haloacetic acids in the first quarter of 2005.

Date: 08/30/2002 (7775)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)
Description: Failure to have a plant operations manual.

Date: 08/24/2006 (510448)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)[G]
Description: The valve on the bulk storage tank for alum was leaking at the time of the investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)[G]
Description: The secondary standards set for the manual disinfectant residual analyzer expired at the end of May 2006.

Date: 11/17/2005 (489028)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.

Date: 02/08/2005 (488116)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.

Date: 07/15/2005 (489167)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for haloacetic acids in the second quarter of 2005.

Date: 04/19/2006 (489087)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.

Date: 02/24/2006 (489049)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.

Date: 07/08/2005 (488993)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.

Date: 04/21/2005 (488941)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.

Date: 07/15/2004 (278185)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the water system's backwash and recycled water flow meters.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
TRAVIS COUNTY WATER	§	**TEXAS COMMISSION ON**
CONTROL AND IMPROVEMENT	§	
DISTRICT 20	§	
RN102677705	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1687-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Travis County Water Control and Improvement District 20 ("Travis County WCID 20") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Travis County WCID 20 presented this agreement to the Commission.

Travis County WCID 20 understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, Travis County WCID 20 agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Travis County WCID 20.

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

I. FINDINGS OF FACT

1. Travis County WCID 20 owns and operates a public water supply at the end of Weston Lane, north of Farm-to-Market Road 2244 in Travis County, Texas (the "Facility") that has approximately 335 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on July 21, 2006, TCEQ staff documented that Travis County WCID 20 exceeded the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual

average concentration for TTHM was 0.084 mg/L for the fourth quarter of 2004, 0.090 mg/L for the first quarter of 2005, 0.109 mg/L for the second quarter of 2005, 0.111 mg/L for the third quarter of 2005, 0.100 mg/L for the fourth quarter of 2005, and 0.091 mg/L for the first quarter of 2006.

3. During a record review conducted on July 21, 2006, TCEQ staff documented that Travis County WCID 20 exceeded the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on a running annual average. Specifically, the running annual average concentration of HAA5 was 0.062 mg/L for the first quarter of 2005 and 0.068 mg/L for the second quarter of 2005.

4. Travis County WCID 20 received notices of the violations on February 13, 2005, April 4, 2005, April 26, 2005, July 13, 2005, July 20, 2005, November 22, 2005, March 1, 2006 and April 24, 2006, and the notice of the enforcement on July 26, 2006.

5. The Executive Director recognizes that Travis County WCID 20 has implemented the following corrective measures at the Facility:

   a. On June 29, 2005 implemented an alternative method of chemical disinfection with chloramine;

   b. On November 21, 2005 achieved compliance with the running annual average MCL for HAA5. Specifically, the running annual average for HAA5 was 0.045 mg/L in the fourth quarter of 2005; and

   c. On September 19, 2006 achieved compliance with the running annual average MCL for TTHM. Specifically, the running average for TTHM was 0.065 mg/L in the third quarter of 2006.

II. CONCLUSIONS OF LAW

1. Travis County WCID 20 is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2, Travis County WCID 20 failed to comply with the MCL of 0.080 mg/L for TTHM based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. As evidenced by Finding of Fact No. 3, Travis County WCID 20 failed to comply with the MCL of 0.060 mg/L for HAA5 based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Travis County WCID 20 for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of One Thousand Two Hundred Eight Dollars ($1,208) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Travis County WCID 20 has paid the One Thousand Two Hundred Eight Dollar ($1,208) administrative penalty.

III. ORDERING PROVISIONS

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

1. Travis County WCID 20 is assessed an administrative penalty in the amount of One Thousand Two Hundred Eight Dollars ($1,208), as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Travis County WCID 20's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Travis County Water Control and Improvement District 20, Docket No. 2006-1687-PWS-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Travis County WCID 20. Travis County WCID 20 is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Travis County WCID 20 if the Executive Director determines that Travis County WCID 20 has not complied with one or more of the terms or conditions in this Agreed Order.

4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

5. This Agreed Order, issued by the Commission, shall not be admissible against Travis County WCID 20 in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/14/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Travis County Water Control and Improvement District 20. I am authorized to agree to the attached Agreed Order on behalf of Travis County Water Control and Improvement District 20, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Travis County Water Control and Improvement District 20 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

_____ 11/29/06
Signature Date

RAGE V SKERRY
PRESIDENT
Name (printed or typed) Title
Authorized Representative
Travis County Water Control and Improvement District 20

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Ordering Provision 1 of this Agreed Order.