EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-0409-PST-E **TCEQ ID:** Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946

CASE NO.: 14027

RESPONDENT NAME: City of Georgetown

ORDER TYPE:

X 1660 AGREED ORDER	__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	X PETROLEUM STORAGE TANKS	__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: Georgetown Municipal Airport, 500 Terminal Drive, Georgetown, Williamson County

TYPE OF OPERATION: Airport with retail sales of aviation gasoline ("av-gas")

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 January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4493; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Stella Ponce, Austin Regional Office, MC R-11, (512) 339-2929
Respondent: Mr. Travis McLain, Airport Director, City of Georgetown, P.O. Box 409, Georgetown, Texas 78627
Mr. Jim Briggs, Assistant City Manager, Utility Operations, P.O. Box 409, Georgetown, Texas 78627
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

RESPONDENT'S NAME: City of Georgetown
DOCKET NO.: 2004-0409-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** October 21, 2003 **Date of NOE Relating to this Case:** December 15, 2003 (NOE) **Background Facts:** This was a routine investigation. Five violations were documented. **WASTE** 1) Failed to ensure that the rectifier and other system components for the av-gas underground storage tank ("UST") are operating properly by inspecting the rectifier and components at least once every 60 days [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)]. 2) Failed to conduct inventory control for the av-gas UST [30 TEX. ADMIN. CODE § 334.48(c)]. 3) Failed to renew a previously issued UST Delivery Certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii)]. 4) Failed to ensure that a valid, current Delivery Certificate was available to a common carrier before accepting delivery of a regulated substance into the UST system [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)]. 5) Failed to monitor the av-gas UST system piping for release detection [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(a).	**Total Assessed:** $12,375 **Total Deferred:** $2,475 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $9,900 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification:** __X_ High ___Avg. __Poor **Person Compliance History Classification:** __High __X_ Avg. __Poor **Major Source:** __ Yes __X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the City has implemented the following corrective measures at the Facility: a. Submitted documentation for inspecting the rectifier and other system components for the av-gas UST on October 24, 2003; b. Submitted documentation for conducting inventory control for the av-gas UST on October 24, 2003; c. Renewed the UST Delivery Certificate and made it readily available to common carriers on October 28, 2003; and d. Submitted documentation for monitoring the piping of the av-gas UST for release detection on October 28, 2003. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).

Attachment: Site Compliance History

Attachment A
Docket Number: 2004-0409-PST-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Georgetown**
Payable Penalty Amount:	**Nine Thousand Nine Hundred Dollars ($9,900)**
SEP Amount:	**Nine Thousand Nine Hundred Dollars ($9,900)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Williamson County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	3-Mar-2005	**Screening**	25-Mar-2004	**Priority Due**	23-Jul-2004	**EPA Due**	

RESPONDENT INFORMATION

Respondent	City of Georgetown		
Respondent/Site ID No(s).	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946		
Facility/Site Region	11 - Austin	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No(s).	CCEDS Case ID No. 14027		
Docket No.	2004-0409-PST-E	**No. Violations**	5
Case Priority	3	**Order Type**	1660 without deferral
Enf. Coordinator	Pamela Campbell	**EC's Team**	Team 7
Media Program(s)	Petroleum Storage Tank		
Admin. Penalty $ Limit	**Minimum** $0	**Maximum** $10,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* *Subtotal 1* $16,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement *Subtotals 2, 3 & 7* $0

Notes: The respondent has no prior NOVs or Orders at this site. +

Culpability 0% Enhancement *Subtotal 4* $0

No *Select Yes/No*

Notes: Does not meet the culpability criteria. +

Good Faith Effort to Comply 25% Reduction *Subtotal 5* -$4,125

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
None of the above		*(mark with small x)*

Notes: The respondent achieved compliance on October 28, 2003. +

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

$3	Total EB Amounts	**Capped at the Total EB $ Amount*
$420	Approx. Cost of Compliance	

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $12,375

+

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 $12,375

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $12,375

-

DEFERRAL Deferral 20% Reduction *Adjustment* $2,475

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

Notes: The respondent has no prior NOVs or Orders at this site. =

PAYABLE PENALTY **$9,900**

Screening Date	25-Mar-2004
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Site Address	500 Terminal Drive, Georgetown, Williamson County

Docket Number 2004-0409-PST-E

PCW

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

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)*	0	0%
	Other written NOVs	0	0%
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 submitted)*	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) 0%

>> Repeat Violator (Subtotal 3)

No *Select Yes/No*

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes The respondent has no prior NOVs or Orders at this site.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 0%

PCW
Policy Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date	25-Mar-04
Docket Number	2004-0409-PST-E
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Violation Number	1
Primary Rule Cite	30 Tex. Admin. Code § 334.49(c)(2)(C)
Secondary Cite(s)	Tex. Water Code § 26.3475(d)
Violation Description	As documented during the TCEQ Region 11 inspection conducted on October 21, 2003, the respondent failed to inspect the impressed current cathodic protection system for the aviation gasoline (av-gas) UST at least once every 60 days to ensure that the rectifier and other system components are operating properly.

Base Penalty $10,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes: Failure to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly could allow an undetected release of petroleum products from the UST system which would exceed levels that are protective of human health and environmental receptors.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$2,500**

Events Notes: One monthly event is recommended, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 24, 2003).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $1,875

This Violation Final Assessed Penalty (adjusted for limits) $1,875

Economic Benefit Worksheet

		Percent Interest	Years of Depreciation
Respondent	City of Georgetown		
ID Number(s)	CCEDS Case ID No. 14027		
Media [Statute]	Petroleum Storage Tank		
Violation Number	1	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)	$100	21-Oct-2003	24-Oct-2003	0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the estimated cost to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 24, 2003).

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $0

PCW
Policy Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date	25-Mar-04 **Docket Number** 2004-0409-PST-E
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Violation Number	2
Primary Rule Cite	30 Tex. Admin. Code § 334.48(c)
Secondary Cite(s)	
Violation Description	As documented during the TCEQ Region 11 inspection conducted on October 21, 2003, the respondent failed to conduct inventory control for the av-gas UST.

Base Penalty $10,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
OR Actual			
Potential	x		

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to conduct effective inventory control for the av-gas UST could allow an undetected release of petroleum product which would exceed levels that are protective of human health and environmental receptors.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$2,500**

Events Notes One monthly event is recommended, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 24, 2003).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $1,875

This Violation Final Assessed Penalty (adjusted for limits) $1,875

Economic Benefit Worksheet

		Percent Interest	Years of Depreciation
Respondent	City of Georgetown		
ID Number(s)	CCEDS Case ID No. 14027		
Media [Statute]	Petroleum Storage Tank		
Violation Number	2	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)	$100	21-Oct-2003	24-Oct-2003	0.0	$0	n/a	$0
Notes for DELAYED costs	The delayed costs include the estimated cost to conduct inventory control for the av-gas UST, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 24, 2003).						
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/equip				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							

Approx Cost of Compliance: $100

TOTAL: $0

PCW
Policy Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date	25-Mar-04
Docket Number	2004-0409-PST-E
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Violation Number	3
Primary Rule Cite	30 Tex. Admin. Code § 334.8(c)(5)(B)(ii)
Secondary Cite(s)	
Violation Description	As documented during the TCEQ Region 11 inspection conducted on October 21, 2003, the respondent failed to renew a previously issued UST Delivery Certificate.

Base Penalty $10,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

OR

Percent 10%

Matrix Notes 100% of the requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$1,000**

Events Notes One single event is recommended based on the inspection date of October 21, 2003.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

		Percent Interest	Years of Depreciation
Respondent	City of Georgetown		
ID Number(s)	CCEDS Case ID No. 14027		
Media [Statute]	Petroleum Storage Tank		
Violation Number	3	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)	$20	31-May-2003	28-Oct-2003	0.4	$0	n/a	$0
Notes for DELAYED costs	The delayed costs include the estimated cost to renew a previously issued UST Delivery Certificate, calculated from the date of the previous certificates expiration date (May 31, 2003) to the date of compliance (October 28, 2003).						
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/equip				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							

Approx Cost of Compliance: $20

TOTAL: $0

PCW
Policy Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date	25-Mar-04
Docket Number	2004-0409-PST-E
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Violation Number	4
Primary Rule Cite	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3461(a)
Secondary Cite(s)	
Violation Description	As documented during the TCEQ Region 11 inspection conducted on October 21, 2003, the respondent failed to ensure that a valid, current Delivery Certificate was available to a common carrier before accepting delivery of a regulated substance into the UST system.

Base Penalty $10,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed protective levels as a result of the violation.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 16

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $8,000

Events Notes Sixteen single events are recommended for the 16 deliveries of fuel that were deposited into the UST system.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $2

Violation Final Penalty total $6,000

This Violation Final Assessed Penalty (adjusted for limits) $6,000

Economic Benefit Worksheet

		Percent Interest	Years of Depreciation
Respondent	City of Georgetown		
ID Number(s)	CCEDS Case ID No. 14027		
Media [Statute]	Petroleum Storage Tank		
Violation Number	4	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)	$100	31-May-2004	28-Oct-2004	0.4	$2	n/a	$2
Notes for DELAYED costs	The delayed costs include the estimated cost to ensure that a valid, current Delivery Certificate is made available to a common carrier before accepting delivery of a regulated substance into the UST system, calculated from the date the prior delivery certificate expired (May 31, 2003) to the date of compliance (October 28, 2003).						
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/equip				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							

Approx Cost of Compliance: $100

TOTAL: $2

PCW
Policy Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date	25-Mar-04 **Docket Number** 2004-0409-PST-E
Respondent	City of Georgetown
Case ID No.	CCEDS Case ID No. 14027
Respondent/Site ID No.	Petroleum Storage Tank Facility ID No. 10024; Regulated Entity ID No. RN102403946
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Pamela Campbell
Violation Number	5
Primary Rule Cite	30 Tex. Admin. Code § 334.50(a)(1)(A)
Secondary Cite(s)	Tex. Water Code § 26.3475(a)
Violation Description	As documented during the TCEQ Region 11 inspection conducted on October 21, 2003, the respondent failed to monitor the av-gas UST system piping for release detection.

Base Penalty $10,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential	x		

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to monitor the piping of the UST system could result in the release of a significant amount of pollutants that would exceed levels that are protective of human health and environmental receptors.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$2,500**

Events Notes One monthly event is recommended, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 28, 2003).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $1,875

This Violation Final Assessed Penalty (adjusted for limits) **$1,875**

Economic Benefit Worksheet

Respondent	City of Georgetown
ID Number(s)	CCEDS Case ID No. 14027
Media [Statute]	Petroleum Storage Tank
Violation Number	5

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)	$100	21-Oct-2003	24-Oct-2003	0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the estimated cost to monitor the piping for the UST system for release detection, calculated from the date of the inspection (October 21, 2003) to the date of compliance (October 24, 2003).

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $0

Compliance History

Customer/Respondent/Owner-Operator:	CN600412043	CITY OF GEORGETOWN	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN102403946	GEORGETOWN MUN AIRPORT	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	10024	
Location:	500 TERMINAL DR, GEORGETOWN, TX, 78628	Rating Date: 9/1/03 Repeat Violator: NO		
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	March 24, 2004			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 23, 1999 to March 23, 2004			

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

Name: Bill Davis Phone: (512) 239-6793

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?	No
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 dates of investigations.

1 01/21/2000

2 12/15/2003

3 07/19/2000

E. Written notices of violations (NOV).

N/A

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	§	
CITY OF GEORGETOWN	§	
PETROLEUM STORAGE TANK	§	**TEXAS COMMISSION ON**
FACILITY ID NO. 10024;	§	
REGULATED ENTITY ID NO.	§	
RN102403946	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2004-0409-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Georgetown ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates an Airport with retail sales of aviation gasoline (av-gas) at 500 Terminal Drive in Georgetown, Williamson County, Texas (the "Facility").

2. The City's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 20, 2003.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Three Hundred Seventy-Five Dollars ($12,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Four Hundred Seventy-Five Dollars ($2,475) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the

City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Nine Thousand Nine Hundred Dollars ($9,900) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. 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.

8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:

   a. Submitted documentation for inspecting the rectifier and other system components for the av-gas UST on October 24, 2003;

   b. Submitted documentation for conducting inventory control for the av-gas UST on October 24, 2003;

   c. Renewed the UST Delivery Certificate and made it readily available to common carriers on October 28, 2003; and

   d. Submitted documentation for monitoring the piping of the av-gas UST for release detection on October 28, 2003.

10. 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 City has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to ensure that the rectifier and other system components for the av-gas UST are operating properly by inspecting the rectifier and components at least once every 60 days, in violation of 30

TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on October 21, 2003.

2. Failed to conduct inventory control for the av-gas UST, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on October 21, 2003.

3. Failed to renew a previously issued UST Delivery Certificate, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii), as documented during an investigation conducted on October 21, 2003.

4. Failed to ensure that a valid, current Delivery Certificate was available to a common carrier before accepting delivery of a regulated substance into the UST system, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on October 21, 2003.

5. Failed to monitor the av-gas UST system piping for release detection, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on October 21, 2003.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Georgetown, Docket No. 2004-0409-PST-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 City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 Jurisdiction and Stipulations above, Nine Thousand Nine Hundred Dollars ($9,900) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A,

incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the City 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.

7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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.

Signature

10-26-06
Date

JIM BRIGGS
Name (Printed or typed)
Authorized Representative of
City of Georgetown

Assistant City Manager
Utility Operations
Title

For the Executive Director

2/8/07
Date

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

Attachment A
Docket Number: 2004-0409-PST-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Georgetown**
Payable Penalty Amount:	**Nine Thousand Nine Hundred Dollars ($9,900)**
SEP Amount:	**Nine Thousand Nine Hundred Dollars ($9,900)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Williamson County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.