EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-1746-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10489-003 and RN102917242 **CASE NO.:** 21428

RESPONDENT NAME: City of Georgetown

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	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	X WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Dove Springs, 400 Rock Dove Lane, Georgetown, Williamson County

TYPE OF OPERATION: Domestic wastewater treatment system

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. Lynley Doyen, Enforcement Division, Enforcement Section I, MC 169, (512) 239-1364; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: The Honorable Gary Nelon, Mayor, City of Georgetown, 113 East 8th Street, Georgetown, Texas 78626

Mr. Jim Briggs, Assistant City Manager of Utility Operations, Utility Systems Department, City of Georgetown, 300 Industrial Avenue, Texas 78626

Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: City of Georgetown
DOCKET NO.: 2004-1746-MWD-E

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:** September 15, 2004 **Date of NOE Relating to this Case:** September 30, 2004 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **AIR** Failed to comply with permitted effluent limits for Ammonia Nitrogen, Total Mercury and Total Chlorine at Outfall 001A [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 10489-003, Interim Effluent Limitations and Monitoring Requirements No. 1].	**Total Assessed:** $15,625 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $15,625 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification:** __High _X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The violations involve a discharge of contaminants (mercury) to the environment in which people and/or environmental receptors have been exposed to pollutants which exceed levels that are protective.	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A). 2) The Order will also require the Respondent to, within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10489-003

Attachment: Site Compliance History

Attachment A
Docket Number: 2004-1746-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Georgetown**
Payable Penalty Amount:	**Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625)**
SEP Amount:	**Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625)**
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.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 17, 2004*

DATES

PCW	01-Nov-2004	Screening	13-Oct-2004	Priority Due	12-Dec-2004	EPA Due	05-Dec-2004

RESPONDENT/FACILITY INFORMATION

Respondent	City of Georgetown		
Reg. Ent. Ref. No.	RN102917242		
Additional ID No(s).	TPDES Permit No. 10489-003		
Facility/Site Region	11-Austin	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	21428	No. of Violations	2
Docket No.	2004-1746-MWD-E	Order Type	Findings
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Joseph Daley
Media Program(s)	Water Quality	EC's Team	Enforcement Team 7
Multi-Media			
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $12,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25% Enhancement *Subtotals 2, 3, & 7* $3,125

Notes: The respondent self reported five months of effluent violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: The respondent is not yet in compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$111
Approx. Cost of Compliance	$1,400

SUM OF SUBTOTALS 1-7 Final Subtotal $15,625

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 $15,625

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $15,625

DEFERRAL Reduction Adjustment $0

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

Notes: No deferral is recommended with a Findings Order.

PAYABLE PENALTY $15,625

Screening Date	13-Oct-2004	**Docket No.** 2004-1746-MWD-E	**PCW**
Respondent	City of Georgetown		*Policy Revision 2 (September 2002)*
Case ID No.	21428		*PCW Revision May 17, 2004*
Reg. Ent. Reference No.	RN102917242		
Additional ID No(s).	TPDES Permit No. 10489-003		
Media [Statute]	Water Quality		
Enf. Coordinator	Joseph Daley		
Site Address	400 Rock Dove Lane, Georgetown, Williamson County		

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)*	5	25%
	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*	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) **25%**

>> Repeat Violator (Subtotal 3)

No

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

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

Average Performer

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

>> Compliance History Summary

Compliance History Notes The respondent self reported five months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **25%**

Screening Date	13-Oct-2004	**Docket No.** 2004-1746-MWD-E	**PCW**
Respondent	City of Georgetown		*Policy Revision 2 (September 2002)*
Case ID No.	21428		*PCW Revision May 17, 2004*
Reg. Ent. Reference No.	RN102917242		
Additional ID No(s).	TPDES Permit No. 10489-003		
Media [Statute]	Water Quality		
Enf. Coordinator	Joseph Daley		

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10489-003, Interim Effluent Limitations and Monitoring Requirements No. 1

Secondary Rule Cite(s) Tex. Water Code § 26.121(a)

Violation Description Failure to comply with permitted effluent limits for Total Mercury ("Hg") and Total Chlorine at Outfall 001A, as detailed in the attached Effluent Limit Violation Table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was utilized to evaluate the values of Mercury and flow to determine whether the discharged amount of the pollutant exceeded the levels protective of human health or environmental receptors. The amounts discharged at the time of the violations were significant and did exceed levels that are protective of human health or environmental receptors.

Adjustment $0

Base Penalty Subtotal $10,000

Violation Events

Number of Violation Events 1

mark only one
use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One quarterly event is recommended based on the violation dates of April 2004, May 2004, and June 2004, to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Estimated EB Amount $56

Statutory Limit Test

Violation Final Penalty Total $12,500

This violation Final Assessed Penalty (adjusted for limits) $12,500

Economic Benefit Worksheet

Respondent: City of Georgetown
Case ID No.: 21428
Reg. Ent. Reference No.: RN102917242
Additional ID No(s).: TPDES Permit No. 10489-003
Media [Statute]: Water Quality
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)				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	$700	30-Jun-2003	31-Jan-2005	1.6	$56	n/a	$56
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: Estimated annual cost for additional oversight and sampling which might have reduced or alleviated the exceedances. Calculated from the first month of effluent noncompliance to the estimated month of effluent 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:

Approx. Cost of Compliance: $700

TOTAL: $56

Screening Date	13-Oct-2004	**Docket No.** 2004-1746-MWD-E	**PCW**
Respondent	City of Georgetown		*Policy Revision 2 (September 2002)*
Case ID No.	21428		*PCW Revision May 17, 2004*
Reg. Ent. Reference No.	RN102917242		
Additional ID No(s).	TPDES Permit No. 10489-003		
Media [Statute]	Water Quality		
Enf. Coordinator	Joseph Daley		

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10489-003, Interim Effluent Limitations and Monitoring Requirements No. 1

Secondary Rule Cite(s) Tex. Water Code § 26.121(a)

Violation Description Failure to comply with permitted effluent limits for Ammonia Nitrogen ("NH3-N") at Outfall 001A, as detailed in the attached Effluent Limit Violation Table.

Base Penalty $10,000

>> 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: A simplified model was utilized to evaluate the values for NH3-N, CBOD and flow to determine whether the discharged amount of the pollutant (NH3-N) exceeded the levels protective of human health or environmental receptors. The amounts discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health or environmental receptors.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended based on the violation date of June 2003.

Economic Benefit (EB) for this violation

Estimated EB Amount $56

Statutory Limit Test

Violation Final Penalty Total $3,125

This violation Final Assessed Penalty (adjusted for limits) $3,125

Economic Benefit Worksheet

Respondent: City of Georgetown
Case ID No.: 21428
Reg. Ent. Reference No.: RN102917242
Additional ID No(s).: TPDES Permit No. 10489-003
Media [Statute]: Water Quality
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	$700	30-Jun-2003	31-Jan-2005	1.6	$56	n/a	$56
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: Estimated annual cost for additional oversight and sampling which might have reduced or alleviated the exceedances. Calculated from the first month of effluent noncompliance to the estimated month of effluent 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:

Approx. Cost of Compliance: $700

TOTAL: $56

Effluent Limit Violation Table

table rev. 12/11/2000

Respondent	City of Georgetown
ID Number(s)	TPDES Permit No. 10489-003
Docket Number	2004-1746-MWD-E
Enf. Coordinator	Joseph Daley

Corresponds to Violation Number: 1

	EFFLUENT PARAMETER												
	Permit Limit												
	Total Mercury Daily Average	Total Mercury Daily Average	Total Mercury Daily Max	Total Residual Chlorine Minimum	NH3-N Daily Average								
Month/Year	0.0171 ug/L	0.00018 lbs/day	0.0362 ug/L	1.0 mg/L	2.0 mg/L								
June 2003	c	c	c	c	2.3 mg/L								
April 2004	0.0298 ug/L	0.000266 lbs/day	0.268 ug/L	0.8 mg/L	c								
May 2004	0.1989 ug/L	0.00108 lbs/day	0.622 ug/L	c	c								
June 2004	0.14475 ug/L	0.00138 lbs/day	0.439 ug/L	c	c								

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600412043	City of Georgetown		Classification: AVERAGE	Rating: 2.940
Regulated Entity:	RN102917242	DOVE SPRINGS		Classification: AVERAGE	Site Rating: 0.21
ID Number(s):	WASTEWATER		PERMIT		TX0101281
	WASTEWATER		PERMIT		TPDES0101281
	WASTEWATER		PERMIT		WQ0010489003
	WASTEWATER LICENSING		LICENSE		WQ0010489003

Location: 400 ROCK DOVE LANE
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: November 02, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 01, 1999 to November 01, 2004

Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Joseph Daley Phone: 239-3308

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	No
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 approval dates of investigations. (CCEDS Inv. Track. No.)

2	01/22/2003	(220265)
4	03/21/2002	(220264)
6	03/21/2002	(220263)
8	12/20/2002	(220262)
10	03/21/2002	(220261)
12	03/21/2002	(220260)
14	11/22/2002	(220259)
16	03/21/2002	(220258)
18	03/21/2002	(220257)
20	10/24/2002	(220256)
22	03/21/2002	(220255)
24	03/21/2002	(220254)
26	09/23/2002	(220253)
28	03/21/2002	(220252)
30	03/21/2002	(220251)
32	08/23/2002	(220250)
34	07/19/2001	(39740)
36	03/21/2002	(220249)
38	03/21/2002	(220248)
40	07/22/2002	(220247)
42	03/21/2002	(220246)
44	03/21/2002	(220245)
46	06/24/2002	(220244)
48	03/21/2002	(220243)
50	03/21/2002	(220242)
52	05/22/2002	(220241)
54	03/21/2002	(220240)
56	03/21/2002	(220239)
58	04/22/2003	(220238)
60	04/22/2002	(220237)
62	03/21/2002	(220236)
64	03/21/2002	(220235)

66 03/21/2002 (220234)
68 03/20/2003 (220233)
70 03/21/2002 (220232)
72 03/21/2002 (220231)
74 03/21/2002 (220230)
76 02/20/2003 (220229)
78 01/08/2003 (20839)
80 02/22/2002 (220228)
82 03/21/2002 (220227)
84 03/21/2002 (220226)
86 02/23/2004 (321478)
88 03/22/2004 (321479)
90 04/26/2004 (321480)
92 05/23/2003 (321481)
94 05/21/2004 (321482)
96 06/23/2003 (321483)
98 06/21/2004 (321484)
100 08/06/2003 (321485)
102 08/06/2003 (321486)
104 09/22/2003 (321487)
106 10/23/2003 (321488)
108 11/20/2003 (321489)
110 12/18/2003 (321490)
112 01/22/2004 (321491)
114 10/01/2004 (334453)

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

Date: 12/31/2001 (220264)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (321482)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (321484)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (176906)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (321485)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
CITY OF GEORGETOWN	§	
TEXAS POLLUTANT DISCHARGE	§	**TEXAS COMMISSION ON**
ELIMINATION SYSTEM ("TPDES")	§	
PERMIT NO. 10489-003	§	
RN102917242	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2004-1746-MWD-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 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 presented this agreement to the Commission.

The City 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, the City 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 the City.

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

I. FINDINGS OF FACT

1. The City owns and operates a domestic wastewater treatment system located at 400 Rock Dove Lane, Georgetown, Williamson County, Texas (the "Facility").

2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.

3. During a record review on September 15, 2004, TCEQ staff documented that the City failed to comply with permitted effluent limits as listed below:

Month/Year	Total Mercury Daily Average of 0.0171 ug/L	Total Mercury Daily Average of 0.00018 lbs/day	Total Mercury Daily Max of 0.0362 ug/L	Total Residual Chlorine Minimum of 1.0 mg/L	NH3-N Daily Average of 2.0 mg/L
June 2003	c	c	c	c	2.3 mg/L
April 2004	0.0298 ug/L	0.000266 lbs/day	0.268 ug/L	0.8 mg/L	c
May 2004	0.1989 ug/L	0.00108 lbs/day	0.622 ug/L	c	c
June 2004	0.14475 ug/L	0.00138 lbs/day	0.439 ug/L	c	c

Name	Abbreviation
Milligrams Per Liter	mg/L
Micrograms Per Liter	ug/L
Pounds Per Day	lbs/day
Ammonia- Nitrogen	NH3-N

4. The City received notice of the violations on October 5, 2004.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, the City failed to comply with permitted effluent limits for Ammonia Nitrogen ("NH3-N"), Total Mercury ("Hg") and Total Chlorine at Outfall 001A, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 10489-003, Interim Effluent Limitations and Monitoring Requirements No. 1.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City 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.

4. An administrative penalty in the amount of Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625), as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City'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: City of Georgetown, Docket No. 2004-1746-MWD-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, Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625) 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 City shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10489-003; and

   b. Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

      Order Compliance Team
      Enforcement Division, MC 149A
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   with a copy to:

Manager, Water Section
Austin Regional Office
Texas Commission on Environmental Quality
1921 Cedar Bend Drive, Suite 150
Austin, Texas 78758-5336

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City 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.

5. 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 has 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.

6. 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.

7. 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 the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. 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.

10. 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.

11. 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

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Georgetown. I am authorized to agree to the attached Agreed Order on behalf of City of Georgetown, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, City of Georgetown 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.

_____
Signature

10-26-06
Date

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

Assistant City Manager
Utility Operations
Title

I, the undersigned, on behalf of the Executive Director of the Texas Commission on Environmental Quality, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

_____
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 Ordering Provision 1 of this Agreed Order.

Attachment A
Docket Number: 2004-1746-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Georgetown**
Payable Penalty Amount:	**Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625)**
SEP Amount:	**Fifteen Thousand Six Hundred Twenty-Five Dollars ($15,625)**
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.