

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0397-LII-E **TCEQ ID:** RN105052120 **CASE NO.:** 33003  
**RESPONDENT NAME:** Louis C. Petrik Jr.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 107 Signal Hill Drive, Leander, Williamson County; 7521 Magenta Lane, Austin, Travis County; 11716 Prince Phillip Way, Manor, Travis County</p> <p><b>TYPE OF OPERATION:</b> Landscape irrigation business</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on July 6, 2006. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Marlin Bullard, Enforcement Division, Enforcement Team 7, R-09, (254) 761-3038; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Louis Petrik, 920 Rocky Spring Road, Austin, Texas 78753  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> July 6, 2006</p> <p><b>Date of Investigation Relating to this Case:</b> September 20, 2006</p> <p><b>Date of NOE Relating to this Case:</b> March 9, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. Two violations were documented. The Respondent was found to be advertising sprinkler repair/installation and working on systems without a license.</p> <p><b>WATER</b></p> <p>1) Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold and installed irrigation systems at 107 Signal Hill Drive, Leander, and 7521 Magenta Lane, Austin, prior to obtaining his irrigator license [30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251].</p> <p>2) Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold an irrigation system at 11716 Prince Phillip Way, Manor, Travis County, Texas, prior to obtaining his irrigator license [30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251].</p>	<p><b>Total Assessed:</b> \$1,125</p> <p><b>Total Deferred:</b> \$225  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$900</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent obtained an irrigator license on September 15, 2006.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Mar-2007	<b>Screening</b>	16-Mar-2007	<b>EPA Due</b>	
	<b>PCW</b>	22-Mar-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Louis C. Petrik Jr.		
<b>Reg. Ent. Ref. No.</b>	RN105052120		
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33003	<b>No. of Violations</b>	2
<b>Docket No.</b>	2007-0397-LII-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Irrigators	<b>Enf. Coordinator</b>	Marlin Bullard
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 8
<b>Admin. Penalty \$ Limit</b>	Minimum \$0	<b>Maximum</b>	\$2,500

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **Subtotals 2, 3, & 7**

**Notes**

**Culpability**  **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **Subtotal 5**

Before NOV    NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes**

**Total EB Amounts**  **Subtotal 6**

**Approx. Cost of Compliance**  **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

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

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 16-Mar-2007

Docket No. 2007-0397-LII-E

PCW

Respondent Louis C. Petrik Jr.

Policy Revision 2 (September 2002)

Case ID No. 33003

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105052120

Media [Statute] Irrigators

Enf. Coordinator Marlin Bullard

### 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 judgments 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%
<i>Please Enter Yes or No</i>			
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)

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

No adjustment for Compliance History.

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

Screening Date 16-Mar-2007

Docket No. 2007-0397-LII-E

PCW

Respondent Louis C. Petrik Jr.

Policy Revision 2 (September 2002)

Case ID No. 33003

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105052120

Media [Statute] Irrigators

Enf. Coordinator Marlin Bullard

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 344.4 and 30.5(a), Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold and installed irrigation systems at 107 Signal Hill Drive, Leander, and 7521 Magenta Lane, Austin, prior to obtaining his irrigator license.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could be exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$1,875

\$625

Violation Events

Number of Violation Events 2 Number of violation days 94

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

## Economic Benefit Worksheet

**Respondent:** Louis C. Petrik Jr.  
**Case ID No.:** 33003  
**Reg. Ent. Reference No.:** RN105052120  
**Media:** Irrigators  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$450	14-Jun-2006	15-Sep-2006	0.3	\$6	n/a	\$6
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated amount required to obtain a valid Irrigation license, calculated from the date the first system was sold through the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

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

\$450

**TOTAL**

\$6

Screening Date 16-Mar-2007

Docket No. 2007-0397-LII-E

PCW

Respondent Louis C. Petrik Jr.

Policy Revision 2 (September 2002)

Case ID No. 33003

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105052120

Media [Statute] Irrigators

Enf. Coordinator Marlin Bullard

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 344.4 and 30.5(a), Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description

Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold an irrigation system at 11716 Prince Phillip Way, Manor, Travis County, Texas, prior to obtaining his irrigator license.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

94 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

## Economic Benefit Worksheet

**Respondent** Louis C. Petrik Jr.  
**Case ID No.** 33003  
**Reg. Ent. Reference No.** RN105052120  
**Media** Irrigators  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### 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

N/A. Benefit already estimated in violation #1.

### 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

\$0

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN603091000	PETRIK, LOUIS C JR	Classification:	Rating:
Regulated Entity:	RN105052120	PETRIK, LOUIS C JR	Classification:	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING LICENSE		LI0015215	
Location:	920 ROCKY SPRINGS ROAD, AUSTIN, TX, 78753			
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	March 28, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 14, 2002 to March 14, 2007			

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

Name: Marlin Bullard Phone: (254) 761-3038

## 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.)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- 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

# Mathematical Analysis

The first part of the course deals with the theory of functions of a real variable. It begins with the definition of a function and its properties, such as continuity and differentiability. The concept of a limit is introduced, and the epsilon-delta definition is used to prove theorems about limits. The derivative is defined as the limit of the difference quotient, and the rules of differentiation are derived. The integral is defined as the limit of a Riemann sum, and the Fundamental Theorem of Calculus is proved. The course also covers the theory of series, including the convergence of sequences and series of numbers and functions.

The second part of the course deals with the theory of functions of a complex variable. It begins with the definition of a complex function and its properties, such as analyticity and conformality. The Cauchy-Riemann equations are derived, and the Cauchy integral formula is proved. The theory of residues is introduced, and the residue theorem is used to evaluate real integrals. The course also covers the theory of conformal mappings and the theory of automorphisms of the unit disk.

The third part of the course deals with the theory of differential equations. It begins with the theory of ordinary differential equations, including the existence and uniqueness theorems and the method of variation of parameters. The theory of partial differential equations is also covered, including the wave equation, the heat equation, and the Laplace equation. The course also covers the theory of integral equations and the theory of boundary value problems.

The fourth part of the course deals with the theory of functional analysis. It begins with the theory of normed spaces and Banach spaces, including the Hahn-Banach theorem and the closed graph theorem. The theory of Hilbert spaces is also covered, including the spectral theorem for self-adjoint operators. The course also covers the theory of distributions and the theory of Sobolev spaces.

The fifth part of the course deals with the theory of harmonic analysis. It begins with the theory of Fourier series and the theory of Fourier transforms. The theory of tempered distributions is introduced, and the theory of Sobolev spaces is used to study the regularity of functions. The course also covers the theory of wavelets and the theory of fractals.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LOUIS C. PETRIK JR.  
RN105052120**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0397-LII-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 Louis C. Petrik Jr. ("Mr. Petrik") under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. OCCUPATIONS CODE ch. 1903. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Petrik appear before the Commission and together stipulate that:

1. Mr. Petrik owns and operates a landscape irrigation business at 920 Rocky Spring Road in Austin, Travis County, Texas. Mr. Petrik sold and installed landscape irrigation systems at 107 Signal Hill Drive in Leander, Williamson County, Texas; and 7521 Magenta Lane in Austin, Travis County, Texas; and sold a landscape irrigation system at 11716 Prince Phillip Way in Manor, Travis County, Texas (the "Sites").
2. TCEQ has general authority to regulate the design and installation of landscape irrigation systems, and the licensing of landscape irrigators and installers, pursuant to TEX. OCCUPATIONS CODE ch. 1903.
3. The Commission and Mr. Petrik agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Petrik is subject to the Commission's jurisdiction.
4. Mr. Petrik received notice of the violations alleged in Section II ("Allegations") on or about March 14, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Petrik of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of One Thousand One Hundred Twenty-Five Dollars (\$1,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Petrik has paid Nine Hundred Dollars (\$900) of the administrative penalty and Two Hundred Twenty-Five Dollars (\$225) is deferred contingent upon Mr. Petrik'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 Mr. Petrik fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Petrik to pay all or part of the deferred penalty.
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 Mr. Petrik 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 Mr. Petrik obtained an irrigator license on September 15, 2006.
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 Mr. Petrik 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 the irrigator at the Sites, Mr. Petrik is alleged to have:

1. Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold and installed irrigation systems at 107 Signal Hill Drive, Leander, and 7521 Magenta Lane, Austin, prior to obtaining his irrigator license.
2. Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on September 20, 2006. Specifically, Mr. Petrik sold an irrigation system at 11716 Prince Phillip Way, Manor, Travis County, Texas, prior to obtaining his irrigator license.



### III. DENIALS

Mr. Petrik generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Petrik pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Petrik'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: Louis C. Petrik Jr., Docket No. 2007-0397-LII-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 Mr. Petrik.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Petrik 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Petrik, or three days after the date on which the Commission mails notice of the Order to Mr. Petrik, 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

  
\_\_\_\_\_  
For the Executive Director

8/29/07  
Date

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 indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

6-5-07  
Date

LOUIS PETRIK  
Name (Printed or typed)  
Authorized Representative of  
Louis C. Petrik Jr.

OWNER  
Title

**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.

