

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0745-LII-E **TCEQ ID:** RN103255634 **CASE NO.:** 33524
RESPONDENT NAME: Jason E. Weaver

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: 4418 Treasure Trail, Sugar Land, Fort Bend County</p> <p>TYPE OF OPERATION: Landscape irrigation</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on April 12, 2006, alleging that the Respondent failed to honor the warranty on an irrigation system installed at 4418 Treasure Trail, Sugar Land, Texas. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villareal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Jason E. Weaver, Owner, 2010 Kentland Drive, Houston, Texas 77067 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: April 12, 2006</p> <p>Date of Investigation Relating to this Case: March 30, 2007</p> <p>Date of NOE Relating to this Case: April 5, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the City of Sugar Land's landscape irrigation inspection requirements, ordinances or regulations designed to protect the public water supply [30 TEX. ADMIN. CODE § 344.70].</p> <p>2) Failed to have the licensed irrigator sign their legal name on each professional document and to affix the imprint of the seal or rubber stamp facsimile of the seal over the signature [30 TEX. ADMIN. CODE § 344.61(a)].</p>	<p>Total Assessed: \$401</p> <p>Total Deferred: \$80 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$321</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Obtain a permit for the Site (4418 Treasure Trail, Sugar Land, Fort Bend County, Texas); and</p> <p>ii. Ensure that all written licensed irrigator's professional documents include the irrigator's signature under the seal or rubber stamp facsimile.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	9-Apr-2007	Screening	7-May-2007	EPA Due	
	PCW	7-May-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jason E. Weaver
Reg. Ent. Ref. No.	RN103255634
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33524	No. of Violations	2
Docket No.	2007-0745-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Amy Martin
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$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: Enhancement recommended due to one Notice of Violation ("NOV") for violations that are same or similar and one NOV for violations that are not same or similar.

Culpability **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

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

Notes: The Respondent does not meet the good faith criteria.

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

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 7-May-2007

Docket No. 2007-0745-LII-E

PCW

Respondent Jason E. Weaver

Policy Revision 2 (September 2002)

Case ID No. 33524

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN103255634

Media [Statute] Irrigators

Enf. Coordinator Amy Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	1	2%
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%
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) 7%

>> 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

Enhancement recommended due to one Notice of Violation ("NOV") for violations that are same or similar and one NOV for violations that are not same or similar.

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

Screening Date 7-May-2007

Docket No. 2007-0745-LII-E

PCW

Respondent Jason E. Weaver

Policy Revision 2 (September 2002)

Case ID No. 33524

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN103255634

Media [Statute] Irrigators

Enf. Coordinator Amy Martin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 344.70

Violation Description Failed to comply with the City of Sugar Land's landscape irrigation inspection requirements, ordinances or regulations designed to protect the public water supply, as documented during a record review conducted on March 30, 2007. Specifically, a landscape irrigation system was installed without a city permit at 4418 Treasure Trail, Sugar Land, Fort Bend County, Texas.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

OR

>> 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 Number of violation days 38

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent Jason E. Weaver
Case ID No. 33524
Reg. Ent. Reference No. RN103255634
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
No commas or \$							

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)	\$125	6-Apr-2006	31-Dec-2007	1.7	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to obtain a permit for the landscape irrigation system. The Date Required is the date the irrigation system was installed. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$11

Screening Date 7-May-2007

Docket No. 2007-0745-LII-E

PCW

Respondent Jason E. Weaver

Policy Revision 2 (September 2002)

Case ID No. 33524

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN103255634

Media [Statute] Irrigators

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 344.61(a)

Violation Description

Failed to have the licensed irrigator sign their legal name on each professional document and to affix the imprint of the seal or rubber stamp facsimile of the seal over the signature. Specifically, on a proposal dated March 15, 2006, Mr. Weaver affixed his seal on the document, however he did not include his signature.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

50% of the rule requirement was not met.

Adjustment \$2,375

\$125

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$125

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$134

This violation Final Assessed Penalty (adjusted for limits) \$134

Economic Benefit Worksheet

Respondent Jason E. Weaver
Case ID No. 33524
Reg. Ent. Reference No. RN103255634
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)	\$200	30-Mar-2007	31-Dec-2007	0.8	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to update all written materials to meet requirements. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$8

Compliance History

Customer/Respondent/Owner-Operator:	CN601776222 WEAVER, JASON E	Classification:	Rating:
Regulated Entity:	RN103255634 WEAVER, JASON E	Classification:	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING	LICENSE	LI0007939
	BACKFLOW PREVENTION ASSEMBLY	LICENSE	BP0003078
	TESTER LICENSING		
Location:	2010 KENTLAND DR, HOUSTON, TX 77067		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	April 23, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 23, 2002 to April 23, 2007		

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

Name: Amy Martin Phone: 512-239-2540

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 approval dates of investigations. (CCEDS Inv. Track. No.)
N/A

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

Date: 03/11/2004 (262204)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F 344.96
Description: Failure by a licensed irrigator to honor the warranty on all installations of new irrigation systems (i.e., excluding remodeling and renovation).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F 344.94(b)
Description: Failure by a licensed irrigator to provide on all written contracts and bills to install irrigation systems the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087."

Date: 02/22/2007 (481925)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter D 344.70
Description: Failure by a licensed irrigator to comply with local regulations that require reasonable inspection requirements, ordinances or regulations designed to protect the public water supply, any of which relates to work performed or to be performed within such political subdivision's territory.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter C 344.61(a)
Description: Failure by a licensed irrigator to sign their legal name on each professional document and to affix the imprint of the seal or rubber stamp facsimile of the seal over the signature.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F 344.93(b)
Description: Failure by a licensed irrigator to display the registration number in the form of "LI ____" on all advertisements, including business cards.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JASON E. WEAVER
RN103255634**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0745-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 Jason E. Weaver ("Mr. Weaver") 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. Weaver appear before the Commission and together stipulate that:

1. Mr. Weaver owns and operates a landscape irrigation business at 2010 Kentland Drive, Houston, Harris County, Texas. Mr. Weaver installed an irrigation system at 4418 Treasure Trail, Sugar Land, Fort Bend County, Texas (the "Site").
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. Weaver agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Weaver is subject to the Commission's jurisdiction.
4. Mr. Weaver received notice of the violations alleged in Section II ("Allegations") on or about April 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Weaver of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Hundred One Dollars (\$401) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Weaver has

paid Three Hundred Twenty-One Dollars (\$321) of the administrative penalty and Eighty Dollars (\$80) is deferred contingent upon Mr. Weaver'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. Weaver fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Weaver 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. Weaver have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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. Weaver has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 irrigator at the Site, Mr. Weaver is alleged to have:

1. Failed to comply with the City of Sugar Land's landscape irrigation inspection requirements, ordinances or regulations designed to protect the public water supply, in violation of 30 TEX. ADMIN. CODE § 344.70, as documented during a record review conducted on March 30, 2007.
2. Failed to have the licensed irrigator sign their legal name on each professional document and to affix the imprint of the seal or rubber stamp facsimile of the seal over the signature, in violation of 30 TEX. ADMIN. CODE § 344.61(a), as documented during a record review conducted on March 30, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Weaver pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Weaver'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: Jason E. Weaver, Docket No. 2007-0745-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. It is further ordered that Mr. Weaver shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Obtain a permit for the Site (4418 Treasure Trail, Sugar Land, Fort Bend County, Texas), in accordance with 30 TEX. ADMIN. CODE § 344.70; and
 - ii. Ensure that all written licensed irrigator's professional documents include the irrigator's signature under the seal or rubber stamp facsimile, in accordance with 30 TEX. ADMIN. CODE § 344.61.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted 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:

Irrigators Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Weaver.
4. If Mr. Weaver 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, Mr. Weaver's failure to comply is not a violation of this Agreed Order. Mr. Weaver shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Weaver shall notify the Executive Director within seven days after Mr. Weaver 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 Mr. Weaver shall be made in writing to the Executive Director. Extensions are not effective until Mr. Weaver 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 Mr. Weaver 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 Mr. Weaver, or three days after the date on which the Commission mails notice of the Order to Mr. Weaver, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Jason E. Weaver
DOCKET NO. 2007-0745-LII-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

10/3/07
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, if any, 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 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.

Jason E. Weaver
Signature

8-20-07
Date

Jason E. Weaver
Name (Printed or typed)
Authorized Representative of
Jason E. Weaver

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.

