

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0740-LIL-E TCEQ ID: RN105711485 CASE NO.: 37596
RESPONDENT NAME: Michael Paddack

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: 8455 East Highway 29, Georgetown, Williamson County and 1010 Hyde Park Drive, Round Rock, Williamson County</p> <p>TYPE OF OPERATION: Landscape irrigation company</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on February 6, 2009, alleging that the Respondent failed to pull the required permit before installing an irrigation system and failed to install the irrigation system according to TCEQ rules. 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 October 12, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2563; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Michael Paddack, Owner, P.O. Box 1594, Round Rock, Texas 78680 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(s) of Complaints Relating to this Case: February 6, 2009</p> <p>Date of Investigation Relating to this Case: April 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 10, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to include in all advertisements the irrigator's license number in the form of "LI_____". Specifically, the Respondent's website was advertising irrigation services without displaying a valid landscape irrigator's license [30 TEX. ADMIN. CODE § 344.70(b)].</p> <p>2) Failure to conduct a walk through demonstration, to provide a maintenance checklist, a permanent sticker and irrigation plan to the irrigation system owner [30 TEX. ADMIN. CODE §§ 344.61 and 344.63].</p> <p>3) Failure to comply with local requirements, ordinances and regulations designed to protect the public water supply. Specifically, the Respondent installed an irrigation system at the Site without obtaining a permit as required by the City of Round Rock [30 TEX. ADMIN. CODE § 344.24(a)].</p>	<p>Total Assessed: \$399</p> <p>Total Deferred: \$79 <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: \$320</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:</p> <p>a. On May 13, 2009, a valid landscape irrigator license number was added to the website;</p> <p>b. Submitted documentation indicating that the system owner was given a walk through demonstration of the irrigation system, and provided a maintenance checklist, a permanent sticker and an irrigation plan on February 24, 2009; and</p> <p>c. Obtained a permit for the installation of an irrigation system at the Site on February 13, 2009.</p>

Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICIQ					
DATES	Assigned	20-Apr-2009	Screening	5-May-2009	EPA Due
	PCW	14-May-2009			

RESPONDENT/FACILITY INFORMATION	
Respondent	Michael Paddack
Reg. Ent. Ref. No.	RN105711485
Facility/Site Region	T1-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37596	No. of Violations	3
Docket No.	2009-0740-LII-E	Order Type	1660
Media Program(s)	All Occupational Licenses	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section		
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$525
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7
Notes	No enhancement due to compliance history.	
Culpability	No	0.0% Enhancement
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5
Economic Benefit	0.0% Enhancement*	Subtotal 6
Total EB Amounts	\$1	
Approx. Cost of Compliance	\$270	
	*Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$399
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$399
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty
		\$399
DEFERRAL	20.0% Reduction	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		\$320

Screening Date 5-May-2009

Docket No. 2009-0740-LII-E

PCW

Respondent Michael Paddack

Policy Revision 2 (September 2002)

Case ID No. 37596

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105711485

Media [Statute] All Occupational Licenses

Enf. Coordinator John Shelton

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

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 enhancement due to compliance history.

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

Screening Date 5-May-2009 **Docket No.** 2009-0740-LII-E **PCW**
Respondent Michael Paddack *Policy Revision 2 (September 2002)*
Case ID No. 37596 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105711485
Media [Statute] All Occupational Licenses
Enf. Coordinator John Shelton

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 344.70(b)
Violation Description Failed to include in all advertisements the irrigator's license number in the form of "LI_____". Specifically, the Respondent's website was advertising irrigation services without displaying a valid landscape irrigator's license.
Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix
 OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1%

Matrix Notes Less than 30% of the rule requirement was not met.
Adjustment \$2,475

Violation Events \$25

Number of Violation Events: 1 37 Number of violation days
 mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

 Violation Base Penalty \$25
 One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$2
 Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent came into compliance on May 13, 2009.
Violation Subtotal \$23

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$1 Violation Final Penalty Total \$23
 This violation Final Assessed Penalty (adjusted for limits) \$23

Economic Benefit Worksheet

Respondent: Michael Paddack
Case ID No.: 37596
Reg. Ent. Reference No.: RN105711485
Media: All Occupational Licenses
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	6-Apr-2009	13-May-2009	0.10	\$1	n/a	\$1

Notes for DELAYED costs
 Estimated cost to update the website to include the valid landscape irrigator's license number. The Date Required is the investigation date and the Final Date is 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$1
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Screening Date: 5-May-2009	Docket No.: 2009-0740-LI-E	PCW		
Respondent: Michael Paddack	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37596	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN105711485				
Media [Statute]: All Occupational Licenses				
Enf. Coordinator: John Shelton				
Violation Number: 2				
Rule Cite(s):	30 Tex. Admin. Code §§ 344.61 and 344.63			
Violation Description:	Failed to conduct a walk through demonstration, to provide a maintenance checklist, a permanent sticker and irrigation plan to the irrigation system owner.			
Base Penalty		\$2,500		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix				
	Major	Moderate	Minor	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
Matrix Notes:	100% of the rule requirement was not met.			
Adjustment:		\$2,250		
				\$250
Violation Events				
Number of Violation Events: <input type="text" value="1"/>		Number of violation days: <input type="text" value="25"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty		\$250		
One single event is recommended.				
Good Faith Efforts to Comply		<input type="text" value="25.0%"/> Reduction	\$62	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>	(mark with x)		
Notes:	The Respondent came into compliance on February 24, 2009.			
Violation Subtotal		\$188		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	\$188	
		This violation Final Assessed Penalty (adjusted for limits) \$188		

Economic Benefit Worksheet

Respondent: Michael Paddack
Case ID No.: 37596
Reg. Ent. Reference No.: RN105711485
Media: All Occupational Licenses
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	30-Jan-2009	24-Feb-2009	0.07	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to perform a walk through and to provide a maintenance checklist, a permanent sticker, and to supply an irrigation plan. The Date Required is the date the system was installed and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 5-May-2009	Docket No. 2009-0740-LII-E	PCW		
Respondent Michael Paddack	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37598	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN105711485				
Media [Statute] All Occupational Licenses				
Enf. Coordinator John Shelton				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 344.24(a)			
Violation Description	Failed to comply with local requirements, ordinances and regulations designed to protect the public water supply. Specifically, the Respondent installed an irrigation system at the Site without obtaining a permit as required by the City of Round Rock.			
Base Penalty	\$2,500			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent 0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent 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	14
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
				Violation Base Penalty \$250
One single event is recommended.				
Good Faith Efforts to Comply		25.0% Reduction	\$62	
	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
	Ordinary	x	<input type="text"/>	
	N/A	(mark with x)		
Notes	The Respondent came into compliance on February 13, 2009.			
Violation Subtotal				\$188
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: Michael Paddack
Case ID No.: 37596
Reg. Ent. Reference No.: RN105711485
Media: All Occupational Licenses
Violation No.: 3

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$70	30-Jan-2009	13-Feb-2009	0.04	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The cost to obtain a permit to install an irrigation system in the City of Round Rock. The Date Required is the date the irrigation system was installed and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$70

TOTAL

\$0

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MICHAEL PADDACK
RN105711485**

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

AGREED ORDER DOCKET NO. 2009-0740-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 Michael Paddack ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a landscape irrigation company located at 8455 East Highway 29, in Georgetown, Williamson County, Texas. The Respondent installed an irrigation system at 1010 Hyde Park Drive, Round Rock, Williamson County, Texas ("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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 15, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Hundred Ninety-Nine Dollars (\$399) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

- The Respondent has paid Three Hundred Twenty Dollars (\$320) of the administrative penalty and Seventy-Nine Dollars (\$79) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. On May 13, 2009, a valid landscape irrigator license number was added to the website;
 - b. Submitted documentation indicating that the system owner was given a walk through demonstration of the irrigation system, and provided a maintenance checklist, a permanent sticker and an irrigation plan on February 24, 2009; and
 - c. Obtained a permit for the installation of an irrigation system at the Site on February 13, 2009.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent 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

The Respondent is alleged to have:

1. Failed to include in all advertisements the irrigator's license number in the form of "LI _____", in violation of 30 TEX. ADMIN. CODE § 344.70(b), as documented during a record review conducted on April 6, 2009. Specifically, the Respondent's website was advertising irrigation services without displaying a valid landscape irrigator's license.

2. Failed to conduct a walk through demonstration, to provide a maintenance checklist, a permanent sticker and irrigation plan to the irrigation system owner, in violation of 30 TEX. ADMIN. CODE §§ 344.61 and 344.63, as documented during a record review conducted on April 6, 2009.
3. Failed to comply with local requirements, ordinances and regulations designed to protect the public water supply, in violation of 30 TEX. ADMIN. CODE § 344.24(a), as documented during a record review conducted on April 6, 2009. Specifically, the Respondent installed an irrigation system at the Site without obtaining a permit as required by the City of Round Rock.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Michael Paddack, Docket No. 2009-0740-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 the Respondent.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

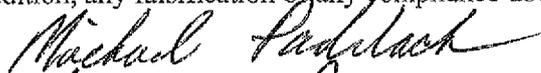
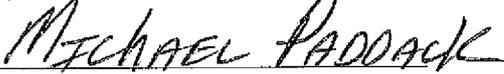
Date 9/18/09

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:

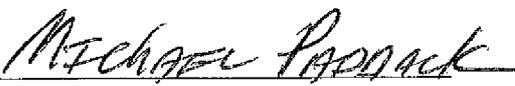
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement 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.

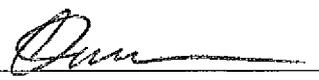



Signature

Date 08/03/09



Name (Printed or typed)
Authorized Representative of
Michael Paddack



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.