

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-1584-LII-E **TCEQ ID:** RN103699880 **CASE NO.:** 34715  
**RESPONDENT NAME:** Victor R. Galvan

<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> 7319 Deep Spring Street, 19019 Red Rock Creek, and 204 Hermine, San Antonio, Bexar 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 June 28, 2007, alleging poor quality of work. 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 January 19, 2009. 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. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Victor R. Galvan, 7319 Deep Spring Street, San Antonio, Texas 78238  <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 checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> June 28, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> September 13, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 19, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to present the customer of a new irrigation system a written statement of guarantees for materials and labor furnished in the installation of the irrigation system. Specifically, customers of systems installed at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas were not presented with written guarantees [30 TEX. ADMIN. CODE § 344.96].</p> <p>2) Failure to provide a written licensed irrigator's agreement to install an irrigation system that specifies the licensed irrigator's name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, the design number or a copy of the design, and the statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.". Specifically, the irrigator's agreement for the installation of systems at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas did not contain the required information [30 TEX. ADMIN. CODE § 344.94(a) and (b)].</p>	<p><b>Total Assessed:</b> \$1,050</p> <p><b>Total Deferred:</b> \$210  <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 (Due) to General Revenue:</b> \$120 (remaining \$720 due in 6 monthly payments of \$120 each)</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>Ordering Provisions:</b></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. Ensure that all customers of a new irrigation system are presented with a written statement of guarantees for materials and labor furnished in the installation of the irrigation system including the customers of systems installed at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas; and</p> <p>ii. Ensure that all written licensed irrigator's agreements to install an irrigation system include the name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, the design number or a copy of the design, and the statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087."</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)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

**ICEQ**

DATES	Assigned	24-Sep-2007	Screening	1-Oct-2007	EPA Due	
	PCW	1-Oct-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Victor R. Galvan		
Reg. Ent. Ref. No.	RN103699880		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34715	No. of Violations	2
Docket No.	2007-1584-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$1,000

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

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

**Compliance History** 5% Enhancement Subtotals 2, 3, & 7 \$50

Notes: Enhancement for one NOV with same or similar violations issued within the past five years.

**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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

**Total EB Amounts** 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$20 \*Capped at the Total EB \$ Amount \$600

**SUM OF SUBTOTALS 1-7** Final Subtotal \$1,050

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$1,050

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$1,050

**DEFERRAL** 20% Reduction Adjustment -\$210

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** \$840

Screening Date 1-Oct-2007

Docket No. 2007-1584-LII-E

PCW

Respondent Victor R. Galvan

Policy Revision 2 (September 2002)

Case ID No. 34715

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103699880

Media [Statute] Irrigators

Enf. Coordinator Thomas Jecha

## Compliance History Worksheet

## &gt;&gt; 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 ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgments or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same or similar violations issued within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

Screening Date 1-Oct-2007

Docket No. 2007-1584-LII-E

PCW

Respondent Victor R. Galvan

Policy Revision 2 (September 2002)

Case ID No. 34715

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103699880

Media [Statute] Irrigators

Enf. Coordinator Thomas Jecha

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 344.96

Violation Description

Failed to present the customer of a new irrigation system a written statement of guarantees for materials and labor furnished in the installation of the irrigation system. Specifically, customers of systems installed at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas were not presented with written guarantees.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Victor R. Galvan  
**Case ID No.** 34715  
**Reg. Ent. Reference No.** RN103699880  
**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
<b>Delayed Costs</b>							
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	13-Sep-2007	12-May-2008	0.7	\$7	n/a	\$7

**Notes for DELAYED costs**  
 Estimated cost for the licensed irrigator to present the customer with a written statement of guarantee for materials and labor furnished in the installation of the irrigation system. The date required is the investigation date and the final date is the expected 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 TOTAL

\$200	\$7
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Screening Date 1-Oct-2007

Docket No. 2007-1584-LII-E

PCW

Respondent Victor R. Galvan

Policy Revision 2 (September 2002)

Case ID No. 34715

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103699880

Media [Statute] Irrigators

Enf. Coordinator Thomas Jecha

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a written licensed irrigator's agreement to install an irrigation system that specifies the licensed irrigator's name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, the design number or a copy of the design, and the statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087". Specifically, the irrigator's agreement for the installation of systems at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas did not contain the required information.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Victor R. Galvan  
**Case ID No.** 34715  
**Reg. Ent. Reference No.** RN103699880  
**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
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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)	\$400	13-Sep-2007	12-May-2008	0.7	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to update all written materials to meet Agency requirements. The date required is the date of the investigation and the final date is the expected 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 \$400

TOTAL \$13

# Compliance History

Customer/Respondent/Owner-Operator:	CN602217168 GALVAN, VICTOR R	Classification: N/A	Rating:
Regulated Entity:	RN103699880 GALVAN, VICTOR R	Classification: N/A	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING LICENSE		LI0009567
Location:	7319 DEEP SPRING ST, SAN ANTONIO, TX		
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	September 28, 2007		
Agency Decision Requiring Compliance	Enforcement		
Compliance Period:	September 28, 2002 to September 28, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Thomas Jecha	Phone:	512-239-2576

## 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 judgments, 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: 07/25/2007 (567087)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F 344.96

Description: Failure by a licensed irrigator to present the customer, on all installations of new irrigation systems (i.e. excluding remodeling and renovation), a written statement of guarantees for materials and labor furnished in the installation of the irrigation system and honor the warranty.

Specifically, during the 07/13/07 record review investigation, it was documented that Mr. Victor R. Galvan, Landscape Irrigator License No. 9567, Sierra Landscape did not provide a warranty at the site location.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F 344.94(b)

Description: Failure by a licensed irrigator to include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087." on all written contracts and bills to install irrigation systems.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter F.344.94(a)

Description: Failure by a licensed irrigator to specify their name, license #, business address and telephone #, date the agreement was signed by each party, total agreed price, the design # or a copy of the design, on the agreement to install an irrigation system and the name, mailing address and telephone # of the Commission.

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  
VICTOR R. GALVAN  
RN103699880

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1584-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 Victor R. Galvan ("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 business at 7319 Deep Spring Street in San Antonio, Bexar County, Texas. The Respondent installed landscape irrigation systems at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar 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 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 September 24, 2007.
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 One Thousand Fifty Dollars (\$1,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty Dollars (\$120) of the administrative penalty and Two Hundred Ten Dollars (\$210) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Hundred Twenty Dollars (\$720) of the administrative penalty shall be payable in 6 monthly payments of One Hundred Twenty Dollars (\$120) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order

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 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.
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 Sites, the Respondent is alleged to have:

1. Failed to present the customer of a new irrigation system a written statement of guarantees for materials and labor furnished in the installation of the irrigation system, in violation of 30 TEX. ADMIN. CODE § 344.96, as documented during a record review conducted on September 13, 2007. Specifically, customers of systems installed at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas were not presented with written guarantees.

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2. Failed to provide a written licensed irrigator's agreement to install an irrigation system that specifies the licensed irrigator's name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, the design number or a copy of the design, and the statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.", in violation of 30 TEX. ADMIN. CODE § 344.94(a) and (b), as documented during a record review conducted on September 13, 2007. Specifically, the irrigator's agreement for the installation of systems at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas did not contain the required information.

### 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: Victor R. Galvan, Docket No. 2007-1584-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 the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Ensure that all customers of a new irrigation system are presented with a written statement of guarantees for materials and labor furnished in the installation of the irrigation system including the customers of systems installed at 19019 Red Rock Creek and 204 Hermine in San Antonio, Bexar County, Texas, as required by 30 TEX. ADMIN. CODE § 344.96; and
    - ii. Ensure that all written licensed irrigator's agreements to install an irrigation system include the name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, the design number or a copy of the design, and the statement "Irrigation in Texas is regulated by the

The first part of the report deals with the general situation of the country and the position of the various groups. It is a very interesting and well-written account of the country and its people. The author has done a great deal of research and has written a very interesting and well-written account of the country and its people. The author has done a great deal of research and has written a very interesting and well-written account of the country and its people.

The second part of the report deals with the economic situation of the country and the position of the various groups. It is a very interesting and well-written account of the country and its people. The author has done a great deal of research and has written a very interesting and well-written account of the country and its people.

### THE ECONOMIC SITUATION

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- 3. The third part of the report deals with the social situation of the country and the position of the various groups.

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Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.”, as required by 30 TEX. ADMIN. CODE § 344.94; and

- 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:

Manager  
Regulatory Compliance Section, MC178  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent.
4. If the Respondent 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 Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

10-11-1944

Dear Mr. [Name]

I have received your letter of the 10th and am sorry that I cannot give you a more definite answer at this time. The matter is being considered and I will be in touch with you again as soon as a final decision has been reached.

I am sure that you will understand the need for a thorough review of the situation before a final decision can be made. I will be sure to keep you informed of any developments.

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receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to The 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.

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading.

First main paragraph of handwritten text, containing several lines of cursive script.

Second main paragraph of handwritten text, continuing the narrative or list.

Third main paragraph of handwritten text, located in the lower middle section.

Large section of handwritten text at the bottom of the page, consisting of multiple paragraphs of cursive writing.

FAX  
572 239-4560

Victor R. Galvan  
DOCKET NO. 2007-1584-LII-E  
Page 6

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Ordean  
For the Executive Director

1/9/2009  
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.

Victor Galvan  
Signature

12-19-07  
Date

Victor Galvan  
Name (Printed or typed)  
Authorized Representative of  
Victor R. Galvan

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.

# CHAPTER 14

## 14.1. The Laplace Transform

The Laplace transform is a powerful tool for solving differential equations. It converts a differential equation in the time domain into an algebraic equation in the complex frequency domain. The transform is defined for a function  $f(t)$  as follows:

$$F(s) = \int_0^{\infty} f(t) e^{-st} dt$$

where  $s$  is a complex variable. The inverse Laplace transform is given by:

$$f(t) = \frac{1}{2\pi i} \int_{\gamma - i\infty}^{\gamma + i\infty} F(s) e^{st} ds$$

The Laplace transform of a derivative is given by:

$$\mathcal{L}\{f'(t)\} = sF(s) - f(0)$$

and the Laplace transform of an integral is given by:

$$\mathcal{L}\left\{\int_0^t f(\tau) d\tau\right\} = \frac{F(s)}{s}$$