

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0143-LII-E **TCEQ ID:** RN103738399 **CASE NO.:** 39058

**RESPONDENT NAME:** James H. Wood

<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> James H. Wood, 1725 Bedford Road, Bedford, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Landscape 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 4, 2009, alleging that the respondent failed to obtain the required permits before installing an irrigation system. There is one additional pending enforcement action regarding this Respondent, Docket No. 2010-0565-LII-E.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received but the complainant has not expressed the 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 June 21, 2010. 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. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. James H. Wood, Owner, P.O. Box 123881, Fort Worth, Texas 76121  <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 of Complaint Relating to this Case:</b>                      June 4, 2009</p> <p><b>Date of Record Review Relating to this Case:</b>                      December 29, 2009</p> <p><b>Date of NOV Relating to this Case:</b>                      January 7, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a complaint and records review investigation.</p> <p><b>WATER</b></p> <p>1) Failure to include in all forms of written and electronic advertisements for irrigation services, the irrigator's license number in the form of "LI _____" [30 TEX. ADMIN. CODE § 344.70(b)].</p> <p>2) Failure to provide the test results of backflow prevention devices within ten business days to the local water purveyor [30 TEX. ADMIN. CODE § 344.52(c)].</p> <p>3) Failure to obtain all permits and inspections required to install an irrigation system [30 TEX. ADMIN. CODE § 344.35(d)(2)].</p> <p>4) Failure to include in all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: www.tceq.state.tx.us" [30 TEX. ADMIN. CODE 344.71(b)].</p> <p>5) Failure to notify the Executive Director of any change from the previously submitted license application information within ten days from the date the change occurred [30 TEX. ADMIN. CODE 30.24(k)].</p> <p>6) Failure to provide the irrigation plan</p>	<p><b>Total Assessed:</b> \$1,705</p> <p><b>Total Deferred:</b> \$341  <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> \$116 (remaining \$1,248 due in 12 monthly payments of \$104 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>Findings Orders Justification:</b></p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on February 3, 2010, the Respondent implemented the following corrective measures at the Site:</p> <p>a. Provided his irrigator's license number in the form of "LI _____" in a advertisement relating to irrigation services; and</p> <p>b. Included the required statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is <a href="http://www.tceq.state.tx.us">www.tceq.state.tx.us</a>" on all invoices and written estimates relating to the installation or repair of an irrigation system.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Provide the test results of backflow prevention devices to the local water purveyor; and</p> <p>ii. Notify the Executive Director in writing of the new change of address.</p> <p>b. Within 25 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;</p> <p>c. Within 30 days after the effective date of this Agreed Order, obtain all required permits and inspections that are required for the installation of an irrigation system from the City of Euless for the irrigation systems that were previously installed at 2701 Knoll Trail, Euless, Texas and 816</p>

<p>with the minimum information [30 TEX. ADMIN. CODE § 344.61(c)].</p>		<p>Koen Lane, Eules, Texas;</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.;</p> <p>e. Within 60 days after the effective date of this Agreed Order, submit the irrigation plans for review and approval for the following locations: 2701 Knoll Trail, Eules, Texas and 816 Koen Lane, Eules, Texas; and</p> <p>f. Within 75 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 e.</p>
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Additional ID No(s): LI0004130





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	20-Jan-2010	Screening	27-Jan-2010	EPA Due	
	PCW	27-Jan-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	James H. Wood
Reg. Ent. Ref. No.	RN103738399
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39058	No. of Violations	6
Docket No.	2010-0143-LI-E	Order Type	1660
Media Program(s)	Irrigators	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epliano-Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$1,650**

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

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

**Compliance History** 5.0% Enhancement *Subtotals 2, 3, & 7* **\$82**

Notes: The penalty enhancement is due to one prior NOV containing violations that are the same as or similar to the violations in the current enforcement action.

**Culpability** No 0.0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$27**

**Economic Benefit** 0.0% Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts \$26  
Approx. Cost of Compliance \$788  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$1,705**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

*Final Penalty Amount* **\$1,705**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$1,705**

**DEFERRAL** 20.0% Reduction *Adjustment* **-\$341**

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** **\$1,364**

Screening Date 27-Jan-2010

Docket No. 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

**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)	1	5%
	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) 5%

>> 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

The penalty enhancement is due to one prior NOV containing violations that are the same as or similar to the violations in the current enforcement action.

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

Screening Date 27-Jan-2010

Docket No. 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 344.70(b)

Violation Description

Failed to include in all forms of written and electronic advertisements for irrigation services, the irrigator's license number in the form of "LI \_\_\_\_\_". Specifically, at the time of the record review, it was documented that a website advertising the Respondent's irrigation services did not include his landscape irrigator's license number.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$25

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

Notes The Respondent achieved compliance on February 3, 2010.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for llmits) \$238

# Economic Benefit Worksheet

**Respondent:** James H. Wood  
**Case ID No.:** 39058  
**Reg. Ent. Reference No.:** RN103738399  
**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 contrivances 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	29-Dec-2009	3-Feb-2010	0.10	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to update the website to include the landscape irrigator's license number. Date required is the date of the record review. 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

\$0

Screening Date 27-Jan-2010

Docket No. 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 344.52(c)

Violation Description

Failed to provide the test results of backflow prevention devices within ten business days to the local water purveyor. Specifically, at the time of the record review, it was documented that the Respondent had not provided test results of backflow prevention devices to the City of Euless following the installation of irrigation systems at 2701 Knoll Trail, Euless, Texas and 816 Koen Lane, Euless, Texas.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	X			10%
100% of the rule requirement was not met.				

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 2 Number of violation days 29

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$500

Two single events (one event per location) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

# Economic Benefit Worksheet

**Respondent** James H. Wood  
**Case ID No.** 39058  
**Reg. Ent. Reference No.** RN103738399  
**Media** Irrigators  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)	\$200	29-Dec-2009	15-Sep-2010	0.71	\$7	n/a	\$7

Notes for DELAYED costs

The delayed costs include the estimated amount to provide backflow prevention test results to the local water purveyor. The date required is the date of the record review. 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				0.00	\$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

\$200

**TOTAL**

\$7

Screening Date: 27-Jan-2010

Docket No.: 2010-0143-LII-E

PCW

Respondent: James H. Wood

Policy Revision 2 (September 2002)

Case ID No.: 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN103738399

Media [Statute]: Irrigators

Enf. Coordinator: Epifanio Villarreal

Violation Number: 3

Rule Cite(s):

30 Tex. Admin. Code § 344.35(d)(2)

Violation Description:

Failed to obtain all permits and inspections required to install an irrigation system. Specifically, at the time of the record review, it was documented that the Respondent failed to obtain the required permits before installing an irrigation system at the following locations: 2701 Knoll Trail, Euless, Texas and 816 Koen Lane, Euless, Texas.

Base Penalty: \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent: 10%

Matrix Notes:

100% of the rule requirement was not met.

Adjustment: \$2,250

\$250

Violation Events

Number of Violation Events: 2

Number of violation days: 29

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$500

Two single events (one event per site) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal: \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$9

Violation Final Penalty Total: \$525

This violation Final Assessed Penalty (adjusted for limits): \$525

# Economic Benefit Worksheet

**Respondent:** James H. Wood  
**Case ID No.:** 39058  
**Reg. Ent. Reference No.:** RN103738399  
**Media:** Irrigators  
**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
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	\$238	29-Dec-2009	1-Oct-2010	0.78	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to obtain the necessary permits. The date required is the date of the record review. The final date is the estimated 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

\$238

**TOTAL**

\$9

Screening Date 27-Jan-2010

Docket No.: 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code 344.71(b)

Violation Description

Failed to include in all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: www.tceq.state.tx.us."

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
			X	1%
20% of the rule requirement was not met.				

Adjustment \$2,475

\$25

Violation Events

Number of Violation Events 1 Number of violation days 29

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an 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 achieved compliance on February 3, 2010.

Violation Subtotal \$23

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$24

This violation Final Assessed Penalty (adjusted for limits) \$24

# Economic Benefit Worksheet

**Respondent:** James H. Wood  
**Case ID No.:** 39058  
**Reg. Ent. Reference No.:** RN103738399  
**Media:** Irrigators  
**Violation No.:** 4

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	29-Dec-2009	3-Feb-2010	0.10	\$0	\$1	\$1
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to begin providing the statement on all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s). The date required is the date of the record review. 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

\$1

Screening Date 27-Jan-2010

Docket No. 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code 30.24(k)

Violation Description

Failed to notify the Executive Director of any change from the previously submitted license application information within ten days from the date the change occurred. Specifically at the time of the record review, it was documented that the Respondent indicated that he changed addresses and no longer lived at the addresses that were listed for him.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

## Economic Benefit Worksheet

**Respondent:** James H. Wood  
**Case ID No.:** 39058  
**Reg. Ent. Reference No.:** RN103738399  
**Media:** Irrigators  
**Violation No.:** 5

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)	\$50	29-Dec-2009	15-Sep-2010	0.71	\$0	\$2	\$2
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to notify the Executive Director of the change of address. The date required is the date of the record review. The final date is the estimated 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

\$50

TOTAL

\$2

Screening Date 27-Jan-2010

Docket No. 2010-0143-LII-E

PCW

Respondent James H. Wood

Policy Revision 2 (September 2002)

Case ID No. 39058

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103738399

Media [Statute] Irrigators

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 344.61(c)

Violation Description

Failed to include the minimum information for an irrigation plan. Specifically, at the time of the record review, it was documented that the irrigation plan submitted to the City of Euless for the installation of the irrigation system at 2701 Knoll Trail, Euless, Texas did not include the following information: the scale used in the drawing, the irrigator's seal with date and signature, a North arrow, a legend, the location of a water source, the location, type and size of each backflow prevention device, the design pressure and the location, type and size of each valve, main and lateral line.

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		5%

Matrix Notes

30% to 70% of the rule requirement was not met.

Adjustment \$2,375

\$125

Violation Events

Number of Violation Events 1 Number of violation days 29

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$125

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$131

This violation Final Assessed Penalty (adjusted for limits) \$131

# Economic Benefit Worksheet

**Respondent:** James H. Wood  
**Case ID No.:** 39058  
**Reg. Ent. Reference No.:** RN103738399  
**Media:** Irrigators  
**Violation No.:** 6

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)	\$100	29-Dec-2009	1-Nov-2010	0.84	\$0	\$6	\$6
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide the Irrigation plan with the minimum information. The date required is the date of the record review. The final date is the estimated 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

\$6

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN602253791 WOOD, JAMES H	Classification:	Rating:
Regulated Entity:	RN103738399 WOOD, JAMES H	Classification:	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING LICENSE		L10004130
Location:	1725 BEDFORD ROAD, BEDFORD, TARRANT COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	January 27, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 27, 2005 to January 27, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Epi Villarreal	Phone:	361-825-3425

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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: 09/12/2007 (574232)

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.

Specifically, during the 08/30/07 record review investigation, it was documented that Mr. James Wood, Landscape Irrigator License No. 4130, Wood's Landscape & Sprinkler Service did not include the statement: "Irrigation in Texas is regulated by

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- 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  
JAMES H. WOOD  
RN103738399

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0143-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 James H. Wood ("the Respondent") under the authority of TEX. WATER CODE ch. 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 business at 1725 Bedford Road, Bedford, in Tarrant 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 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 January 12, 2010.
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 Seven Hundred Five Dollars (\$1,705) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixteen Dollars (\$116) of the

administrative penalty and Three Hundred Forty-One Dollars (\$341) is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Respondent to pay all or part of the deferred penalty.

The remaining amount of One Thousand Two Hundred Forty-Eight Dollars (\$1,248) of the administrative penalty shall be payable in 12 monthly payments of One Hundred Four Dollars (\$104) 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 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 Respondent to meet the payment schedule of this Agreed Order constitutes the failure by 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 recognizes that on February 3, 2010, the Respondent implemented the following corrective measures at the Site:
  - a. Provided his irrigator's license number in the form of "LI \_\_\_\_\_" in a advertisement relating to irrigation services; and
  - b. Included the required statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)" on all invoices and written estimates relating to the installation or repair of an irrigation system.
9. 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.
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, a licensed irrigation installer, is alleged to have:

1. Failed to include in all forms of written and electronic advertisements for irrigation services, 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 December 29, 2009.
2. Failed to provide the test results of backflow prevention devices within ten business days to the local water purveyor, in violation of 30 TEX. ADMIN. CODE § 344.52(c), as documented during a record review conducted on December 29, 2009.
3. Failed to obtain all permits and inspections required to install an irrigation system, in violation of 30 TEX. ADMIN. CODE § 344.35(d)(2), as documented during a record review conducted on December 29, 2009.
4. Failed to include in all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)," in violation of 30 TEX. ADMIN. CODE 344.71(b), as documented during a record review conducted on December 29, 2009.
5. Failed to notify the Executive Director of any change from the previously submitted license application information within ten days from the date the change occurred, in violation of 30 TEX. ADMIN. CODE 30.24(k), as documented during a record review conducted on December 29, 2009.
6. Failed to provide the irrigation plan with the minimum information, in violation of 30 TEX. ADMIN. CODE § 344.61(c), as documented during a record review conducted on December 29, 2009.

## 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: James H. Wood, Docket No. 2010-0143-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 10 days after the effective date of this Agreed Order:
    - i. Provide the test results of backflow prevention devices to the local water purveyor, in accordance with 30 TEX. ADMIN. CODE § 344.52; and
    - ii. Notify the Executive Director in writing of the new change of address, in accordance with 30 TEX. ADMIN. CODE § 30.24.
  - b. Within 25 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
  - c. Within 30 days after the effective date of this Agreed Order, obtain all required permits and inspections that are required for the installation of an irrigation system from the City of Euless for the irrigation systems that were previously installed at 2701 Knoll Trail, Euless, Texas and 816 Koen Lane, Euless, Texas, in accordance with 30 TEX. ADMIN. CODE § 344.35;
  - d. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c;
  - e. Within 60 days after the effective date of this Agreed Order, submit the irrigation plans for review and approval for the following locations: 2701 Knoll Trail, Euless, Texas and 816 Koen Lane, Euless, Texas, in accordance with 30 TEX. ADMIN. CODE § 344.61. The irrigation plans shall be submitted to:

Manager, Program Support Section, MC 235  
Field Operations Support Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - f. Within 75 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.e. 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 fines 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, Occupational Licensing Section, MC 178  
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 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 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.

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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John S. Sollier  
\_\_\_\_\_  
For the Executive Director

6/7/2010  
\_\_\_\_\_  
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.

J. Wood  
\_\_\_\_\_  
Signature

4-13-10  
\_\_\_\_\_  
Date

James H. Wood  
\_\_\_\_\_  
Name (Printed or typed)

owner  
\_\_\_\_\_  
Title

Authorized Representative of  
James H. Wood

**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.

