

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 44499  
Esteban Prado Sanchez, Sr.  
RN103495578  
Docket No. 2012-1400-LII-E

**Order Type:**

Default Order

**Media:**

LII

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

515 South First Street; 1900 Monte Cristo Way; 709 East Centennial Street; 2712 Rex Cruse Drive;  
and 2530 Nantucket Drive; Sherman, Grayson County

**Type of Operation:**

landscaping business

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** March 29, 2013

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$5,384

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$5,384

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002 (PCW 1); September 2011 (PCW 2)

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** April 18, 2012

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** June 20, 2012

Esteban Prado Sanchez, Sr.

RN103495578

Docket No. 2012-1400-LII-E

**Violation Information**

1. Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.52(c)].
2. Failed to have the final inspection conducted on an irrigation system [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.35(d)(2)].
3. Failed to comply with local regulations by failing to obtain a permit prior to installing a landscape irrigation system, and by failing to have a final inspection conducted on the irrigation system [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.35(d)(2)].
4. Failed to provide TCEQ with irrigation system plans within 10 days of the request [30 TEX. ADMIN. CODE § 344.38].
5. Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.52(c)].
6. Failed to comply with local regulations by failing to have a paper or electronic copy of the irrigation system plan on the irrigation job site at all times [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.61(a)].
7. Failed to comply with local regulations by failing to have a licensed irrigator or irrigation technician on-site during installation of an irrigation system [30 TEX. ADMIN. CODE §§ 344.24(a) and 344.62(o)].

**Corrective Actions/Technical Requirements****Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately, test the backflow devices at 2530 Nantucket Drive, 1900 Monte Cristo Way, 709 East Centennial Street, and 2712 Rex Cruse Drive, all in Sherman, Grayson County, Texas, and provide the results to the local water purveyor and the irrigation system's owner within 10 business days.
2. Within 30 days:
  - i. Implement procedures to ensure that all permits are obtained prior to installation of future irrigation systems;
  - ii. Implement procedures to ensure that final inspections are conducted on future irrigation systems;
  - iii. Implement procedures to ensure that a licensed irrigator or irrigation technician supervises all irrigation system installations;
  - iv. Implement measures and procedures to ensure that backflow prevention devices for irrigation systems are tested prior to being put into service, and the results provided to the local water purveyor and the irrigation system's owner within 10 business days;
  - v. Implement procedures to ensure that irrigation plans are maintained at all times at each job site where an irrigation system is being installed; and
  - vi. Implement procedures to ensure that irrigation system plans and records are available to TCEQ within ten days of the request.
3. Within 45 days, submit written certification to demonstrate compliance.

Esteban Prado Sanchez, Sr.

RN103495578

Docket No. 2012-1400-LII-E

**Litigation Information**

**Date Petition(s) Filed:** December 20, 2012; January 22, 2013

**Date Green Card(s) Signed:** December 22, 2012; January 24, 2013

**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Ryan Rutledge, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division, (512) 239-3921

**TCEQ Regional Contact:** Charles Marshall, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent:** Esteban Prado Sanchez, Sr., 515 South First Street, Sherman, TX 75090

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	25-Jun-2012			
	<b>PCW</b>	16-Nov-2012	<b>Screening</b>	6-Jul-2012	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Esteban Prado Sanchez, Sr.			
<b>Reg. Ent. Ref. No.</b>	RN103495578			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44499	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-1400-LII-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Irrigators	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amancio R. Gutierrez
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,500**

### 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** **\$0**

Notes: No adjustment for compliance history.

**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** **\$0**

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

Total EB Amounts **\$14**  
 Approx. Cost of Compliance **\$225**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$1,500**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$1,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,500**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$1,500**

Screening Date 6-Jul-2012

Docket No. 2012-1400-LII-E

PCW

Respondent Esteban Prado Sanchez, Sr.

Policy Revision 2 (September 2002)

Case ID No. 44499

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103495578

Media [Statute] Irrigators

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	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 judgements 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) 0%

## &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

No adjustment for compliance history.

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

<b>Screening Date</b>	6-Jul-2012	<b>Docket No.</b>	2012-1400-LII-E	<b>PCW</b>
<b>Respondent</b>	Esteban Prado Sanchez, Sr.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	44499	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN103495578			
<b>Media [Statute]</b>	Irrigators			
<b>Enf. Coordinator</b>	Amancio R. Gutierrez			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 344.24(a) and 344.52(c)

**Violation Description**

Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days. Specifically, the backflow prevention devices at 1900 Monte Cristo Way, Sherman, Texas and 709 East Centennial Street, Sherman, Texas were not tested as required by the City of Sherman.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

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

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

<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	<input type="text" value="x"/>

**Violation Base Penalty**

Two single events recommended, one for each location.

**Good Faith Efforts to Comply**

**0.0%** Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

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

**Violation Subtotal**

**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** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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	27-Jul-2011	18-Oct-2012	1.23	\$12	n/a	\$12

**Notes for DELAYED costs**  
 Estimated cost to test the backflow prevention devices. The Date Required is the first installation 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				0.00	\$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**  

**TOTAL**

**Screening Date** 6-Jul-2012 **Docket No.** 2012-1400-LII-E **PCW**  
**Respondent** Esteban Prado Sanchez, Sr. *Policy Revision 2 (September 2002)*  
**Case ID No.** 44499 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103495578  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Amancio R. Gutierrez

**Violation Number** 2

**Rule Cite(s)**

30 Tex. Admin. Code §§ 344.24(a) and 344.35(d)(2)

**Violation Description**

Failed to comply with local regulations by failing to have the final inspection conducted on the irrigation system. Specifically, the Respondent failed to have the City of Sherman conduct a final inspection of irrigation system at 1900 Monte Cristo Way, Sherman, Texas.

**Base Penalty** \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$2,250

\$250

Violation Events

Number of Violation Events 1

1 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

0.0% Reduction

\$0

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

Notes

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

**Violation Subtotal** \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

**Violation Final Penalty Total** \$250

**This violation Final Assessed Penalty (adjusted for limits)** \$250

## Economic Benefit Worksheet

**Respondent** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 2

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)				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)	\$25	27-Jul-2011	18-Oct-2012	1.23	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated cost to implement measures to ensure final inspections are conducted. The Date Required is the date of the installation 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				0.00	\$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**

<b>Approx. Cost of Compliance</b>	\$25	<b>TOTAL</b>	\$2
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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	25-Jun-2012			
	<b>PCW</b>	16-Nov-2012	<b>Screening</b>	6-Jul-2012	<b>EPA Due</b>

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Esteban Prado Sanchez, Sr.			
<b>Reg. Ent. Ref. No.</b>	RN103495578			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	44499	<b>No. of Violations</b>	5
<b>Docket No.</b>	2012-1400-LII-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Irrigators	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amancio R. Gutierrez
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,750**

**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** **\$0**

Notes: No adjustment for compliance history.

**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** **\$0**

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

Total EB Amounts: \$167  
 Approx. Cost of Compliance: \$1,075  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,750**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **3.6%** **Adjustment** **\$134**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with violation nos. 1 and 5.

**Final Penalty Amount** **\$3,884**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$3,884**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

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

Notes: Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$3,884**

<b>Screening Date</b>	6-Jul-2012	<b>Docket No.</b>	2012-1400-LII-E	<b>PCW</b>
<b>Respondent</b>	Esteban Prado Sanchez, Sr.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	44499			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN103495578			
<b>Media [Statute]</b>	Irrigators			
<b>Enf. Coordinator</b>	Amancio R. Gutierrez			

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	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 judgements 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)** 0%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	6-Jul-2012	<b>Docket No.</b>	2012-1400-LII-E	<b>PCW</b>
<b>Respondent</b>	Esteban Prado Sanchez, Sr.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	44499			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN103495578			
<b>Media [Statute]</b>	Irrigators			
<b>Enf. Coordinator</b>	Amancio R. Gutierrez			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to comply with local regulations by failing to obtain a permit prior to installing a landscape irrigation system and by failing to have the final inspection conducted on the irrigation system. Specifically, the Respondent failed to obtain the required permit from the City of Sherman prior to installing an irrigation system at 2712 Rex Cruse Drive, Sherman, Texas, and failed to have the City of Sherman conduct a final inspection at 2530 Nantucket Drive, Sherman, Texas and 2712 Rex Cruse Drive, Sherman, Texas.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0.0%"/>

>> **Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
	100% of the rule requirement was not met.				
					<b>Percent</b> <input type="text" value="5.0%"/>

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

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**

Two single events are recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOV    NOV to EDPRP/Settlement Offer

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

**Notes**

**Violation Subtotal**

**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** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$50	14-Sep-2011	18-Oct-2012	1.10	\$3	n/a	\$3
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to implement measures to ensure permits are obtained prior to installing irrigation systems and to have final inspections conducted. The Date Required is the date of the installation 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				0.00	\$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)	\$25	14-Sep-2011	18-Apr-2012	1.51	\$2	\$25	\$27

**Notes for AVOIDED costs** Estimated cost to obtain a permit prior to installing the irrigation system. The Date Required is the date of the installation of the irrigation system and the Final Date is the record review date.

Approx. Cost of Compliance \$75

**TOTAL** \$30

<b>Screening Date</b>	6-Jul-2012	<b>Docket No.</b>	2012-1400-LII-E	<b>PCW</b>
<b>Respondent</b>	Esteban Prado Sanchez, Sr.	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	44499	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN103495578			
<b>Media [Statute]</b>	Irrigators			
<b>Enf. Coordinator</b>	Amancio R. Gutierrez			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="5.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

**Notes**

**Violation Subtotal**

**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** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 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)	\$400	18-Apr-2012	18-Oct-2012	0.50	\$10	n/a	\$10

**Notes for DELAYED costs** Estimated cost for submitting four irrigation plans. The Date Required is the date of the record review 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				0.00	\$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**

<b>Approx. Cost of Compliance</b>	\$400	<b>TOTAL</b>	\$10
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<b>Screening Date</b>	6-Jul-2012	<b>Docket No.</b>	2012-1400-LII-E	<b>PCW</b>
<b>Respondent</b>	Esteban Prado Sanchez, Sr.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	44499			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN103495578			
<b>Media [Statute]</b>	Irrigators			
<b>Enf. Coordinator</b>	Amancio R. Gutierrez			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 344.24(a) and 344.52(c)

**Violation Description**

Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days. Specifically, the backflow prevention devices at 2530 Nantucket Drive, Sherman, Texas and 2712 Rex Cruse Drive, Sherman, Texas were not tested as required by the City of Sherman.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

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

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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	<input type="text" value="x"/>

**Violation Base Penalty**

Two single events are recommended, one for each location.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

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

**Violation Subtotal**

**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** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 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**

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	14-Sep-2011	18-Oct-2012	1.10	\$11	n/a	\$11

**Notes for DELAYED costs**  
 Estimated cost to test the backflow prevention devices. The Date Required is the first installation 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				0.00	\$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**

<b>Approx. Cost of Compliance</b>	\$200	<b>TOTAL</b>	\$11
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**Screening Date** 6-Jul-2012 **Docket No.** 2012-1400-LII-E **PCW**  
**Respondent** Esteban Prado Sanchez, Sr. *Policy Revision 3 (September 2011)*  
**Case ID No.** 44499 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN103495578  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Amancio R. Gutierrez

**Violation Number** 4

**Rule Cite(s)**

30 Tex. Admin. Code §§ 344.24(a) and 344.61(a)

**Violation Description**

Failed to comply with local regulations by failing to have a paper or electronic copy of the irrigation system plan on the irrigation job site at all times. Specifically, the City of Sherman documented that there were no plans on the job sites at 2712 Rex Cruse Drive, Sherman, Texas and 2530 Nantucket Drive, Sherman, Texas.

**Base Penalty** \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

**Percent** 5.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$4,750

\$250

Violation Events

Number of Violation Events 2

2 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$500

Two single events recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

**Violation Subtotal** \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$5

**Violation Final Penalty Total** \$518

**This violation Final Assessed Penalty (adjusted for limits)** \$518

# Economic Benefit Worksheet

**Respondent** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 4

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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	18-Apr-2012	18-Oct-2012	0.50	\$5	n/a	\$5

**Notes for DELAYED costs**   Estimated cost to maintain a paper or electronic copy of plans at job site. The Date Required is the installation 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				0.00	\$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**  

**TOTAL**

**Screening Date** 6-Jul-2012 **Docket No.** 2012-1400-LII-E **PCW**  
**Respondent** Esteban Prado Sanchez, Sr. *Policy Revision 3 (September 2011)*  
**Case ID No.** 44499 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN103495578  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Amancio R. Gutierrez

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code §§ 344.24(a) and 344.62(o)

**Violation Description**  
Failed to comply with local regulations by failing to have a licensed irrigator or irrigation technician on-site during installation of an irrigation system. Specifically, the City of Sherman documented that an irrigation system was installed at 2530 Nantucket Drive, Sherman, Texas without a licensed irrigator or irrigation technician on-site to supervise the installation.

**Base Penalty** \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

**Matrix Notes**  
100% of the rule requirement was not met.

**Adjustment** \$4,750

\$250

Violation Events

Number of Violation Events 1 1 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 recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

**Violation Subtotal** \$250

Economic Benefit (EB) for this violation Statutory Limit Test

**Estimated EB Amount** \$111 **Violation Final Penalty Total** \$259

**This violation Final Assessed Penalty (adjusted for limits)** \$259

## Economic Benefit Worksheet

**Respondent** Esteban Prado Sanchez, Sr.  
**Case ID No.** 44499  
**Reg. Ent. Reference No.** RN103495578  
**Media Violation No.** Irrigators  
 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

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-Nov-2011	18-Oct-2012	0.89	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to implement measures to ensure an irrigator or irrigation technician supervises all installations. The Date Required is the installation date and 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)	\$100	29-Nov-2011	18-Apr-2012	1.30	\$7	\$100	\$107

Notes for AVOIDED costs

Estimated cost avoided by not having a licensed irrigator or irrigation technician on-site. The Date Required is the installation date and the Final Date is the record review date.

Approx. Cost of Compliance

\$200

**TOTAL**

\$111

# Compliance History Report

Customer/Respondent/Owner-Operator: CN602015539 SANCHEZ, ESTEBAN PRADO SR. Classification: Rating:  
Regulated Entity: RN103495578 SANCHEZ, ESTEBAN PRADO SR. Classification: Site Rating:  
ID Number(s): LANDSCAPE IRRIGATION LICENSING LICENSE LI0007295  
Location: 515 South First Street, Sherman, Grayson County, Texas  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: July 10, 2012  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 10, 2007 to July 10, 2012  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Amancio R. Gutierrez Phone: (512) 239-3921

## 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. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: 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.)  
N/A
  - 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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ESTEBAN PRADO SANCHEZ, SR.;  
RN103495578**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-1400-LII-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCC. CODE ch. 1903, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Esteban Prado Sanchez, Sr. ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Respondent owns and operates a landscaping business located at 515 South First Street in Sherman, Grayson County, Texas (the "Business"). Respondent holds TCEQ irrigator license no. LI0007295, and sells, designs, offers consultations regarding, installs, maintains, alters, repairs, and/or services landscape irrigation systems and is required to be licensed under 30 TEX. ADMIN. CODE ch. 30. Therefore, Respondent is subject to TCEQ jurisdiction pursuant to TEX. WATER CODE ch. 37 and TEX. OCC. CODE ch. 1903.
2. During a record review conducted on April 18, 2012, a TCEQ Central Office investigator documented that Respondent:
  - a. Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days. Specifically, the backflow prevention devices at 1900 Monte Cristo Way and 709 East Centennial Street, both in Sherman, Grayson County, Texas, were not tested as required by the City of Sherman;
  - b. Failed to comply with local regulations by failing to have the final inspection conducted on an irrigation system. Specifically, Respondent failed to have the City of Sherman conduct a final inspection of the irrigation system at 1900 Monte Cristo Way, Sherman, Grayson County, Texas;
  - c. Failed to comply with local regulations by failing to obtain a permit prior to installing a landscape irrigation system, and by failing to have a final inspection conducted on the irrigation system. Specifically, Respondent failed to obtain the required permit from the City of Sherman prior to installing an irrigation system at 2712 Rex Cruse Drive, and failed to have the City of Sherman conduct a final inspection at 2530 Nantucket Drive and 2712 Rex Cruse Drive, both in Sherman, Grayson County, Texas;

- d. Failed to provide TCEQ with irrigation system plans and records, within ten days of the request, for the irrigation systems installed at 2530 Nantucket Drive, 1900 Monte Cristo Way, 709 East Centennial Street and 2712 Rex Cruse Drive, all in Sherman, Grayson County, Texas;
  - e. Failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days. Specifically, the backflow prevention devices at 2530 Nantucket Drive and 2712 Rex Cruse Drive, both in Sherman, Grayson County, Texas, were not tested as required by the City of Sherman;
  - f. Failed to comply with local regulations by failing to have a paper or electronic copy of the irrigation system plan on the irrigation job site at all times. Specifically, the City of Sherman documented that there were no plans on the job sites at 2712 Rex Cruse Drive and 2530 Nantucket Drive, both in Sherman, Grayson County, Texas; and
  - g. Failed to comply with local regulations by failing to have a licensed irrigator or irrigation technician on-site during installation of an irrigation system. Specifically, the City of Sherman documented that an irrigation system was installed at 2530 Nantucket Drive, Sherman, Grayson County, Texas, without a licensed irrigator or irrigation technician on-site to supervise the installation.
3. Respondent received notice of the violations on or about June 25, 2012.
  4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Esteban Prado Sanchez, Sr." (the "EDPRP") in the TCEQ Chief Clerk's office on December 20, 2012.
  5. By letter dated December 20, 2012, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on December 22, 2012, as evidenced by the signature on the card.
  6. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Requiring Certain Actions of Esteban Prado Sanchez, Sr." (the "EDPRP") in the TCEQ Chief Clerk's office on January 22, 2013.
  7. By letter dated January 22, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on January 24, 2013, as evidenced by the signature on the card.
  8. More than 20 days have elapsed since Respondent received notice of the EDPRP and the EDFARP. Respondent failed to file an answer and failed to request a hearing.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 37, TEX. OCC. CODE ch. 1903, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.52(c).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to have the final inspection conducted on an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.35(d)(2).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to comply with local regulations by failing to obtain a permit prior to installing a landscape irrigation system, and by failing to have a final inspection conducted on the irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.35(d)(2).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide TCEQ with irrigation system plans within 10 days of the request, in violation of 30 TEX. ADMIN. CODE § 344.38.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to comply with local regulations by failing to have a backflow prevention device tested prior to being put into service and the results provided to the local water purveyor and the irrigation system's owner within 10 business days, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.52(c).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to comply with local regulations by failing to have a paper or electronic copy of the irrigation system plan on the irrigation job site at all times, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.61(a).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to comply with local regulations by failing to have a licensed irrigator or irrigation technician on-site during installation of an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.24(a) and 344.62(o).
9. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP and the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
10. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of five thousand three hundred eighty-four dollars (\$5,384.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
13. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of five thousand three hundred eighty-four dollars (\$5,384.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Esteban Prado Sanchez, Sr.; Docket No. 2012-1400-LII-E" to:

Financial Administration Division, Revenues Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Respondent shall test the backflow devices at 2530 Nantucket Drive, 1900 Monte Cristo Way, 709 East Centennial Street, and 2712 Rex Cruse Drive all in Sherman, Grayson County, Texas, and provide the results to the local water purveyor and the irrigation system's owner within 10 business days, in accordance with 30 TEX. ADMIN. CODE § 344.52 (Conclusions of Law Nos. 2 and 6).
  - b. Within 30 days after the effective date of this Order Respondent shall:
    - i. Implement procedures to ensure that all permits are obtained prior to installation of future irrigation systems (Conclusion of Law No. 4);
    - ii. Implement procedures to ensure that final inspections are conducted on future irrigation systems (Conclusions of Law Nos. 3 and 4);

- iii. Implement procedures to ensure that a licensed irrigator or irrigation technician supervises all irrigation system installations (Conclusion of Law No. 8);
  - iv. Implement measures and procedures to ensure that backflow prevention devices for irrigation systems are tested prior to being put into service, and the results provided to the local water purveyor and the irrigation system's owner within 10 business days, in accordance with 30 TEX. ADMIN. CODE § 344.52 (Conclusions of Law Nos. 2 and 6);
  - v. Implement procedures to ensure that irrigation plans are maintained at all times at each job site where an irrigation system is being installed, in accordance with 30 TEX. ADMIN. CODE § 344.61 (Conclusion of Law No. 7); and
  - vi. Implement procedures to ensure that irrigation system plans and records are available to TCEQ within ten days of the request, in accordance with 30 TEX. ADMIN. CODE § 344.38 (Conclusion of Law No. 5).
- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team  
Texas Commission on Environmental Quality  
Enforcement Division, MC 149A  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

FOSD Water Program, Team Leader  
Landscape Irrigation Program, MC 174  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF RYAN RUTLEDGE**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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"My name is Ryan Rutledge. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Esteban Prado Sanchez, Sr." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 20, 2012.

The EDPRP was mailed to Respondent's last known address on December 20, 2012, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on December 22, 2012, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Esteban Prado Sanchez, Sr." (the "EDFARP") was filed in the TCEQ Chief Clerk's office on January 22, 2013.

The EDFARP was mailed to Respondent's last known address on January 22, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDFARP on January 24, 2013, as evidenced by the signature on the card.

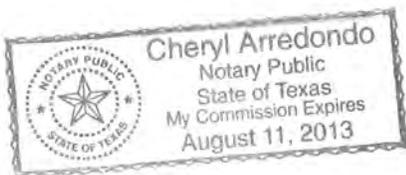
More than 20 days have elapsed since Respondent received notice of the EDPRP and the EDFARP. Respondent failed to file an answer and failed to request a hearing."

*Ryan Rutledge*

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Ryan Rutledge, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Ryan Rutledge, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 4<sup>th</sup> day of March, A.D. 2013.



*Cheryl Arredondo*  
\_\_\_\_\_  
Notary Signature