Roger Alan Biggs RN103232138 Docket No. 2014-1879-LII-E

Order Type: Default Order

Media:

Landscape Irrigation Installation

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1200 Farm to Market Road 720, Frisco, Denton County (Business address);

2705 Vasey Oak, Little Elm, Denton County (Site address)

Type of Operation:

licensed irrigator/landscaping business

Other Significant Matters:

Additional Pending Enforcement Actions: None Past-Due Penalties: None Past-Due Fees: None

Other: Respondent's landscape irrigator license, No. L10004376,

expires on May 31, 2016.

Interested Third-Parties: None

Texas Register Publication Date: August 28, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$502

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$502

Compliance History Classifications:

Person/CN -N/A Site/RN - N/A

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Roger Alan Biggs RN103232138

Docket No. 2014-1879-LII-E

Investigation Information

Complaint Date(s): November 20, 2013

Complaint Information: Alleged that Respondent, doing business as Complete Services,

failed to complete an irrigation system installation.

Date(s) of Investigation: February 14, 2014

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

Date(s) of NOE(s): November 14, 2014

Violation Information

- 1. Failed to comply with local regulations and obtain a permit prior to installing a landscape irrigation system [30 Tex. ADMIN. CODE § 344.24(a)].
- 2. Failed to provide a complete irrigation plan prior to construction [30 Tex. ADMIN. CODE §§ 344.43(g) and 344.61(c)].
- 3. Failed to include all required information in a contract [Tex. ADMIN. CODE §§ 344.43(g) and 344.71(a)].
- 4. Failed to include all required information in an invoice [30 Tex. ADMIN. CODE § 344.71(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

- 1. Within 30 days:
 - a. Ensure required permits are obtained prior to installing irrigation systems;
 - b. Ensure all irrigation system plans include all the requirements listed in 30 TEX. ADMIN. CODE 344.61(c);
 - c. Ensure all contracts include all the requirements listed in 30 Tex. ADMIN. CODE § 344.71(a); and
 - d. Ensure all invoices include all the requirements listed in 30 Tex. ADMIN. CODE § 344.71(b).
- 2. Within 45 days submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed:

June 8, 2015

Date Green Card(s) Signed:

June 11, 2015

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400

Lena Roberts, Litigation Division, (512) 239-3400

Rudy Calderon, Public Interest Counsel, (512) 239-6363

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

TCEQ Regional Contact: Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Roger Alan Biggs, 9302 Mirror Fountain Circle, Frisco, Texas 75033

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ_							
DATES	Assigned	8-Dec-2014		_			
	PCW	26-May-2015	Screening 15-Dec-2014	EPA Due			
RESPO		TY INFORMATI					
		Roger Alan Biggs	5				
	g. Ent. Ref. No.						
Facili	ty/Site Region	4-Dallas/Fort Wo	orth	Major/Mir	nor Source	Minor	
	NFORMATION						
En	f./Case ID No.	49839		No. of	Violations	4	
	Docket No.	2014-1879-LII-E		(Order Type	1660	
Med	lia Program(s)	Irrigators		Government/	Non-Profit	No	
	Multi-Media			Enf. C	oordinator	Amancio R. Gu	ıtierrez
	•				EC's Team	Enforcement T	eam 5
Adr	min. Penalty \$ I	imit Minimum	\$0 Maximum	\$5,000	•		
		-					
			Penalty Calcula	tion Sectio	า		
TOTA	L BASE PENA	LTY (Sum of	violation base penalt	ies)		Subtotal 1	\$475
		(00					
ADJU:	STMENTS (+	/-) TO SUBTO	OTAL 1				
			g the Total Base Penalty (Subtotal 1) by the indicated per			
	Compliance Hi	story	0.0%	Enhancement	Subto	tals 2, 3, & 7	\$0
	Notes		No adjustment for complian	nce history.			
	Culnobility	No	0.097	Fabrassas		Subtotal 4	\$0
	Culpability	INO	0.0%	Enhancement		Subtotal 4	\$0
	Notoo	The De	spandant doos not most the	oulpobility oritori	0		
	Notes	THE RE	espondent does not meet the	culpability criteri	a.		
	Good Faith Eff	ort to Comply T	otal Adjustments			Subtotal 5	\$0
	Cood Faith En	ort to compry r	otal Aujustinients			Subtotal 5	ΨΟ
	Economic Bene	efit	0.0%	Enhancement*		Subtotal 6	\$0
		Total EB Amounts		d at the Total EB \$ An	nount		
	Estimated	Cost of Compliance	\$2,025				
SUM (OF SUBTOTAL	LS 1-7			F	inal Subtotal	\$475
OTHE	R FACTORS A	AS JUSTICE N	IAY REQUIRE	5.7%		Adjustment	\$27
Reduces	or enhances the Fina	Subtotal by the indi	cated percentage.				
		Enhancement to	capture the avoided cost of	f compliance asso	ciated with		
	Notes	Liliancement to	•	•	ciated with		
			Violation No. 1.				
					Final Pen	alty Amount	\$502
STATI	JTORY LIMIT	ADJUSTMEN	JT.		Final Asses	ssed Penalty	\$502
0.711		7120001111121			Tirial 7155C	ssea renaity	***-
DEFE	ΟΦΛΙ			0.0%	Reduction	Adjustment	\$0
		nalty by the indicate	d percentage. <i>(Enter number only;</i>			Aujustment	40
Treduces !	ino i inai Assessed Fe	manty by the mulcate	a percentage. (Enter number only,	c g 20 101 20 70 1800	.0.1011)		
	Notos	Dofo	rral not offered for non suns	ditad sattlement			
	Notes	Dele	rral not offered for non-expe	aneu seniement.			
PAYA	BLE PENALTY	1					\$502

Screening Date 15-Dec-2014

Respondent Roger Alan Biggs

Case ID No. 49839
Reg. Ent. Reference No. RN103232138

Media [Statute] Irrigators

Enf. Coordinator Amancio R. Gutierrez

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

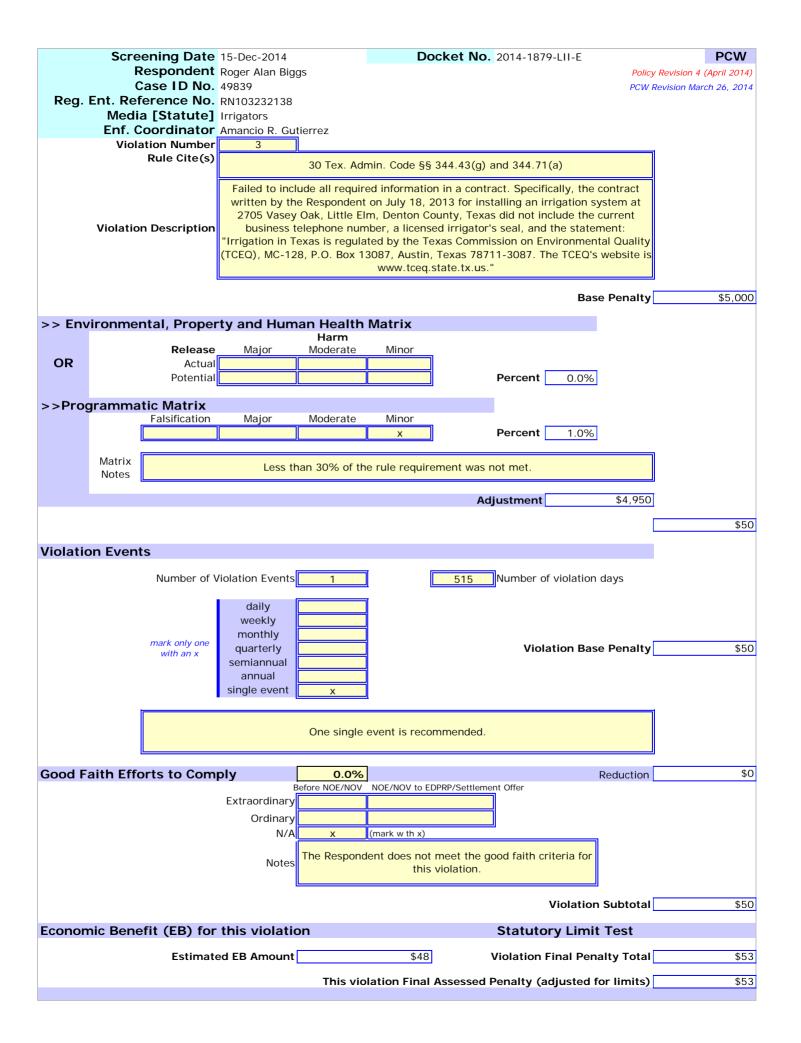
		Compliance History Worksheet			
>> Cor	npliance Histo Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	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%	
	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%	
	Addits	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%	
		Ple I	ease Enter Yes or No	T 1	
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	rcentage (Sub	total 2)	0%
>> Rep	oeat Violator (Subtotal 3)			
	N/A	Adjustment Per	rcentage (Sub	total 3)	0%
>> Cor	mpliance Histo	ry Person Classification (Subtotal 7)	J .	- 1	
	N/A	Adjustment Per	rcentage (Sub	total 7)	0%
>> Cor	mpliance Histo	ry Summary			
	Compliance History Notes	No adjustment for compliance history.			
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)	0%
>> Fina	l Compliance l	History Adjustment			
		Final Adjustment Percent	age *capped	at 100%	0%

	Scre	ening Date	15-Dec-2014	Docket No. 2014-1879-LII-E	PCW
			Roger Alan Big	igs Poli	icy Revision 4 (April 2014)
	С	ase ID No.	49839	PCW	V Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN103232138		
		a [Statute]			
			Amancio R. Gu	tierrez	
	Viola	tion Number	1		
		Rule Cite(s)			
				30 Tex. Admin. Code § 344.24(a)	
			Failed to com	nply with local regulations and obtain a permit prior to installing a	
			landscano ir	rigation system. Specifically, the Respondent failed to obtain the	
	violation	n Description		nit from the City of Little Elm prior to installing an irrigation system	
			á	at 2705 Vasey Oak, Little Elm, Denton County, Texas.	
				D D W	¢Ε 000
				Base Penalty	y \$5,000
>> Fn\	/ironmer	ntal. Proper	tv and Hum	nan Health Matrix	
Liii		ital, i ropei	ty and main	Harm	
		Release	Major	Moderate Minor	
OR		Actual			
		Potential		Percent 0.0%	
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>>Prog	gramma	tic Matrix Falsification	Maior	Moderate Minor	
	ı	Faisincation	Major		
	l l		Х	Percent 5.0%	
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	Matrix		100	0% of the rule requirement was not met.	
	Notes		100	0% of the rule requirement was not met.	
	1				
				Adjustment \$4,75	0
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					\$250
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Violatio	on Event		iolation Events	1 514 Number of violation days	
Violatio	on Event			1 514 Number of violation days	
Violatio	on Event		daily	1 514 Number of violation days	
Violatio	on Event	Number of \	daily weekly	1 514 Number of violation days	
Violatio	on Event	Number of V	daily	1 514 Number of violation days Violation Base Penalty	y \$250
Violatio	on Event	Number of \	daily weekly monthly		y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly		y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly semiannual		y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly semiannual annual	Violation Base Penalty	y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly semiannual annual	Violation Base Penalty	y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly semiannual annual	Violation Base Penalty	y \$250
Violatio	on Event	Number of V	daily weekly monthly quarterly semiannual annual	Violation Base Penalty	y \$250
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty	
		Number of V	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty x One single event is recommended.	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty x One single event is recommended. Reduction	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty X One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty X One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty X One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer X (mark with x)	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event	One single event is recommended. One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the good faith criteria	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One single event is recommended. One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer x (mark with x) The Respondent does not meet the good faith criteria	
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One single event is recommended. One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the good faith criteria for this violation.	n \$0
		Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One single event is recommended. One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the good faith criteria	n \$0
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Good F	aith Effo	Number of Number of Number of Number only one with an x	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One single event is recommended. One single event is recommended. Reduction Reduction Reduction X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtota	n \$0
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Good F	aith Effo	Mumber of Number	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One single event is recommended. One single event is recommended. Reduction Reduction X	\$250 \$250

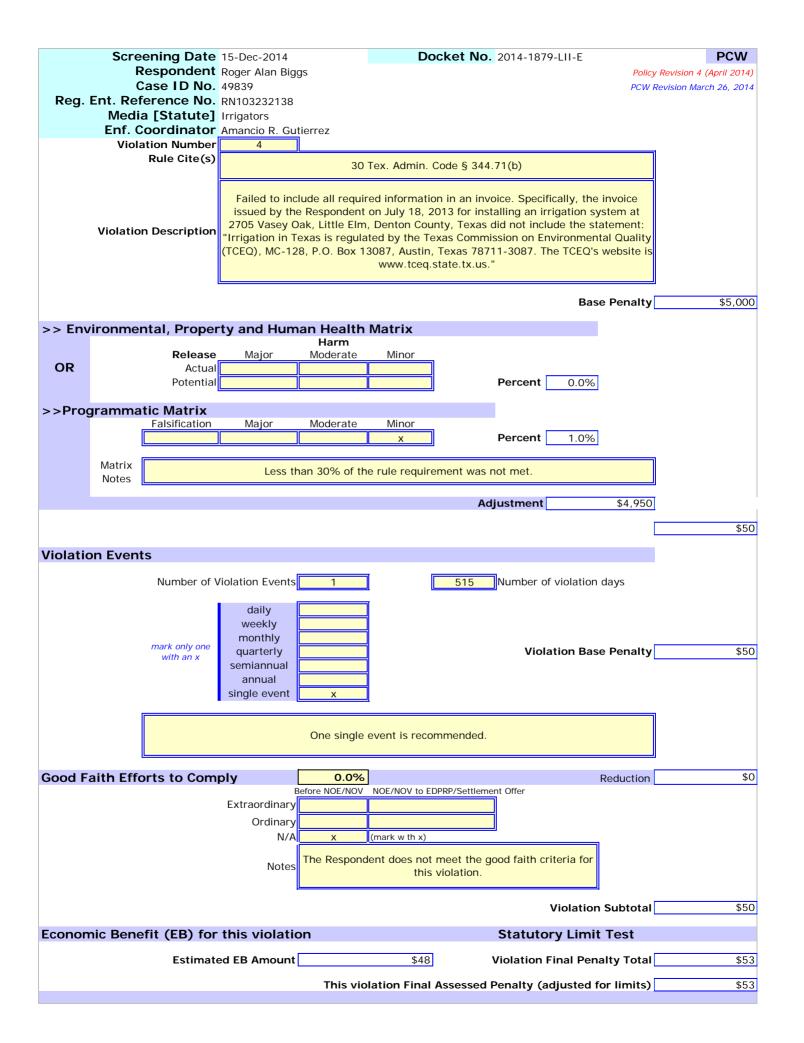
	Fc	onomic B	Ranafit \	Mor	kshoot		
				VOI	KSHECL		
Respondent		ggs					
Case ID No.							
Reg. Ent. Reference No.	RN103232138	}					
Media	Irrigators					Percent Interest	Years of
Violation No.	1					reiteilt iilterest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved		EB Amount
Itom Description			i iilai Bate	5	merest savea	Offiction Costs	LD Amount
Item Description	No commas or \$						
Deleved Acade							
Delayed Costs		1		0.00	\$0		¢ 0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0 \$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)	\$500	19-Jul-2013	19-Jun-2015	1 92	\$48	n/a	\$48
		•		•		hat permits are obta	
Notes for DELAYED costs	installation of	0		•		rigation system was	installed and
		the	Final Date is th	e estim	nated date of comp	oliance.	
Avoided Costs							
Avoided 003t3	ANNUAL	IZE [1] avoided	costs before	enterir	na item (except	for one-time avoic	ded costs)
Disposal	ANNUAL	IZE [1] avoided	costs before		<u> </u>	for one-time avoid	
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	0.00 0.00	so \$0 \$0	for one-time avoid	\$0 \$0
-	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Personnel	ANNUAL	IZE [1] avoided	costs before e	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling	ANNUAL	IZE [1] avoided		0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNUAL State of the state of th	IZE [1] avoided	costs before of	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$2	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25	19-Jul-2013	14-Feb-2014	0.00 0.00 0.00 0.00 0.00 1.49 0 00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$2 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$25 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$27 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25	19-Jul-2013	14-Feb-2014 mit prior to inst	0.00 0.00 0.00 0.00 0.00 1.49 0 00	\$0 \$0 \$0 \$0 \$0 \$0 \$2 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$25 \$0 em. The Date Require	\$0 \$0 \$0 \$0 \$0 \$0 \$27 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25	19-Jul-2013	14-Feb-2014 mit prior to inst	0.00 0.00 0.00 0.00 0.00 1.49 0 00	\$0 \$0 \$0 \$0 \$0 \$0 \$2 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$25 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$27 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25	19-Jul-2013	14-Feb-2014 mit prior to inst	0.00 0.00 0.00 0.00 0.00 1.49 0 00	\$0 \$0 \$0 \$0 \$0 \$0 \$2 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$25 \$0 em. The Date Require	\$0 \$0 \$0 \$0 \$0 \$0 \$27 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$25	19-Jul-2013 st to obtain a periche irrigation system	14-Feb-2014 mit prior to inst	0.00 0.00 0.00 0.00 0.00 1.49 0 00	\$0 \$0 \$0 \$0 \$0 \$0 \$2 \$0 the irrigation systemation because the systematic control of the systema	\$0 \$0 \$0 \$0 \$0 \$0 \$25 \$0 em. The Date Require	\$0 \$0 \$0 \$0 \$0 \$27 \$0 eed is the date

Respondent Roger Alan Biggs Average Personal Costs 1D No. 49829 Reg. Ent. Reference No. Re1032321318 Medial [Statute] Fir. Coordinator Ruic Cite(s) Ruic Cite(s) Violation Number Violation Description Regionator A Maracio R. Cultivirez Violation Description Violation Description Violation Description Regionator A Maracio R. Cultivirez Violation Description Violation Description Regionator of violation and type of variant sensor, location and type of variant entry specifically, the Regionator tide rich imaginor soul signature, and date of signing for the rich gription system that was installed at 2705 Violaty Cole, Little Elim Boston County, Totals See Penalty >> Environmental, Property and Human Health Matrix Harm OR Release Milgor Moderate Milgor Statistical County Moderate Milgor Mode		Scree	ening Date	15-Dec-2014	Docket No. 2014-1879-LII-E	PCW
Reg. Ent. Reference No. NR1052322138 Media [Statute] Irrigators Enf. Coordinator Amarico R. Culturez Violation Number Rule Cite (s) Falced to provide a completo irrigation plan prior to construction that included the location and type of rain sensor, location and type of water meter, scale, north arrow, a legend, the irrigator's such signature, and date of signing for the irrigation system that was installed at 2705 Vasey Oak. Little Elm. Denton County, Texas. **Sepremental Amarica Major Moderate Minor Percent 0.0% **Sepremental Major Moderate Minor Actual Percent 0.0% **Sepremental Major Moderate Minor Percent 0.0% **Sepremental 0.0% **Sepremental Major Moderate Minor Percent 0.0% **Sepremental Major Moderate Minor Percent 0.0% **Sepremental Major Moder		R	espondent	Roger Alan Biggs		Policy Revision 4 (April 2014)
Media (Statute) Irrigations Enf. Coordinator Amando R. Culterraz Violation Number Rule Cite(s) 30 Tex. Admin. Code 55 344.43(g) and 344.61(s) Failed to provide a complete irrigation plan prior to construction. Specifically, the Respondent did not provide an irrigation plan prior to construction that included the location and type of rain sensor, location and type of water meter, scale, north arrow, a legend, the irrigator's seal, signature, and date of signing for the irrigation yeastern that was installed at 2705 Vasey Oak. Little Ein, Denton County, Texas. See Penalty >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent Potential Between 30% to 70% of the rule requirement was met. Adjustment \$4.875 Violation Events Number of Violation Events Number of Violation Events Number of Violation Events Number of Violation Events One single event is recommended. Cone single event is recommended. Co						PCW Revision March 26, 2014
Violation Number Rule Cite (s) 30 Tex. Admin. Code §§ 344.43(g) and 344.61(c)	Reg. I					
Violation Number 2 30 Tex. Admin. Code 59 344.43(3) and 344.61(c)						
Solid Company Solid Compan				Amancio R. Gutierrez		
Violation Description Failed to provide a complete fragation plan prior to construction. Specifically, the Respondent did not provide an irrigation plan prior to construction. Specifically, the Respondent did not provide an irrigation plan prior to construction that included the corow a logend, the irrigator's social signature, and date of signing for the irrigation system that was installed at 270s Vascey Oak, Little Lim, Denton County, Texas. Base Penalty \$5,000 >> Environmental, Property and Human Health Matrix Human Health Matrix Human		Viola		2		
Falicit to provide a complete irrigation plan prior to construction. Specifically, the Respondent did not provide an irrigation plan prior to construction that included the Iocation and type of rain sensor, location and type of value merits, scale, north arrow, a legend, the irrigator's seal, signature, and date of signing for the irrigation system that was installed at 2705 Vasey Oak, Little Eim, Denton County, Texas. Sase Penalty			Rule Cite(s)	30 Tex.	Admin. Code §§ 344.43(g) and 344.61(c)	
Respondent did not provide an irrigation plan prior to construction that included the location and type of rais nostro, location and type of water metry, sold, north arrow, a legend, the irrigator's seal, signature, and date of signing for the irrigation system that was installed at 2705 Vasey Oak, Little Elm, Denton County, Trexx.						
Violation Description arrow, a legend, the irrigator's seal, signature, and date of signing for the irrigation system that was installed at 2705 Vasey Oak, Little Elm, Denton County, Texas. Base Penalty \$5,000						
Second Faith Efforts to Comply Second Country Secon						
Second Faith Efforts to Comply		Violation	Description			
Sase Penalty S5,000						
>> Environmental, Property and Human Health Matrix Harm				System that was mistant	ed at 2700 vasey ear, Eithe Eini, Benton county, 10,	103.
>> Environmental, Property and Human Health Matrix Harm					Raso Do	malty \$5,000
OR Release Major Moderate Minor Potential Percent 0.0% >>Programmatic Matrix Faisification Major Moderate Minor Adjustment \$4,875 \$125 Violation Events Number of Violation Events 1					base re	11aity \$5,000
Release Major Moderate Minor Actual Potential Potential Percent 0.0% >>Programmatic Matrix Falsification Major Moderate Minor Adjustment \$4,875 Violation Events Number of Violation Events 1 S14 Number of violation days daily weekly monthly quarterly weekly monthly quarterly weekly monthly quarterly seen annual annual single event x One single event is recommended. Good Faith Efforts to Comply 0.0% Bofrer NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this Violation Statutory Limit Test Economic Benefit (EB) for this violation \$48 Violation Final Penalty Total \$132	>> Env	rironmen	ital, Proper		th Matrix	
Percent 0.0% > Programmatic Marix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Retween 30% to 70% of the rule requirement was met. Adjustment \$4,875 \$125 Violation Events Number of Violation Events 1 \$14 Number of violation days daily weekly monthly monthly monthly seniannual annual single event x x x One single event x x One single event x Falsification Major Moderate Minor Adjustment \$4,875 \$125 Violation Events One single event x			Polosco		o Minor	
>>Programmatic Matrix Falsification Major Moderate Minor Return 30% to 70% of the rule requirement was met. Adjustment \$44,875 S125 Violation Events Number of Violation Events 1	OR			Major Moderati	e Millor	
>>Programmatic Matrix Falsification Major Moderate Minor					Percent 0.0%	
Falsification Major Moderate Minor Percent 2.5%					0.070	
Matrix Retween 30% to 70% of the rule requirement was met. Adjustment \$4.875	>>Prog	grammat	tic Matrix			
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				This	violation Final Assessed Penalty (adjusted for li	mits) \$132

	E	conomic	Benefit '	Wo	rksheet		
Respondent	Roger Alan Bio	nas					
Case ID No.		999					
Reg. Ent. Reference No.							.,
	Irrigators					Percent Interest	Years of
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
rtom Besonption	No commus or \$						
Delayed Costs							
Equipment		1		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)	\$500	19-Jul-2013	19-Jun-2015	1.92	\$48	n/a	\$48
Notes for DELAYED costs	include all of	the requirements	listed in 30 Tex	. Adm	in. Code § 344.61	that all irrigation s (c). The Date Requi mated date of comp	red is the date
	the in	igation system wa	as iristalleu ariu	ше гп	iai Date is the est	imated date of comp	marice.
Avoided Costs	ANNUAL	ZE [1] avoided	costs before e	nterir	ng item (except	for one-time avoid	ded 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		\$500			TOTAL		\$48



Economic Benefit Worksheet							
Respondent	Roger Alan Bio	nas					
Case ID No.		999					
Reg. Ent. Reference No.							
							V
	Irrigators					Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
i tem bescription	NO COMMINAS OF \$						
D.1							
Delayed Costs		1		0.00	**	40	**
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)	\$500	18-Jul-2013	19-Jun-2015	1.92	\$48	n/a	\$48
Notes for DELAYED costs		s listed in 30 Tex	. Admin. Code §	344.7	1(a). The Date Re	hat all contracts inc quired is the date o	
		and tr	ne Finai Date is	ine est	imated date of co	mpilance.	
Avoided Costs	ANNUAL	ZE [1] avoided	costs before e	nterir	ng item (except	for one-time avoid	ded 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		\$500			TOTAL		\$48



	E	conomic	Benefit	Wo	rksheet		
Respondent	Roger Alan Bio	nas					
Case ID No.		999					
Reg. Ent. Reference No.		1					
	Irrigators					Percent Interest	Years of
Violation No.	4						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		•					
rtem bescription	NO COMMINS OF \$						
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0 \$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)	\$500	18-Jul-2013	19-Jun-2015	1.92	\$48	n/a	\$48
	Estimated c	ost to implement	measures and/o	or proc	edures to ensure	that all invoices incl	ude all of the
Notes for DELAYED costs	requirements	listed in 30 Tex.	Admin. Code § 3	344.71	(b). The Date Req	uired is the date of	the invoice and
		the	Final Date is th	e estim	nated date of comp	oliance.	
Avoided Costs	ANNUAL	ZE [1] avoided	costs before			for one-time avoid	
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							
l							
Annual Cost of Compiler		¢500			TOTAL		¢40
Approx. Cost of Compliance		\$500			IOIAL		\$48

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN601752728, RN103232138, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN601752728, Roger Alan Biggs Classification: N/A Rating: N/A

or Owner/Operator:

Regulated Entity: RN103232138, BIGGS, ROGER ALAN Classification: N/A Rating: N/A

Complexity Points: N/A Repeat Violator: N/A

CH Group: 14 - Other

Location: 1200 FARM-TO-MARKET ROAD 720, FRISCO, TX, DENTON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): LANDSCAPE IRRIGATION LICENSING LICENSE LI0004376

Compliance History Period: September 01, 2009 to August 31, 2014 Rating Year: 2014 Rating Date: 09/01/2014

Date Compliance History Report Prepared: May 19, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 19, 2009 to December 19, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez Phone: (512) 239-3921

Site and Owner/Operator History:

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 for #2, who is the current owner/operator? N/A

4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

--

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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:

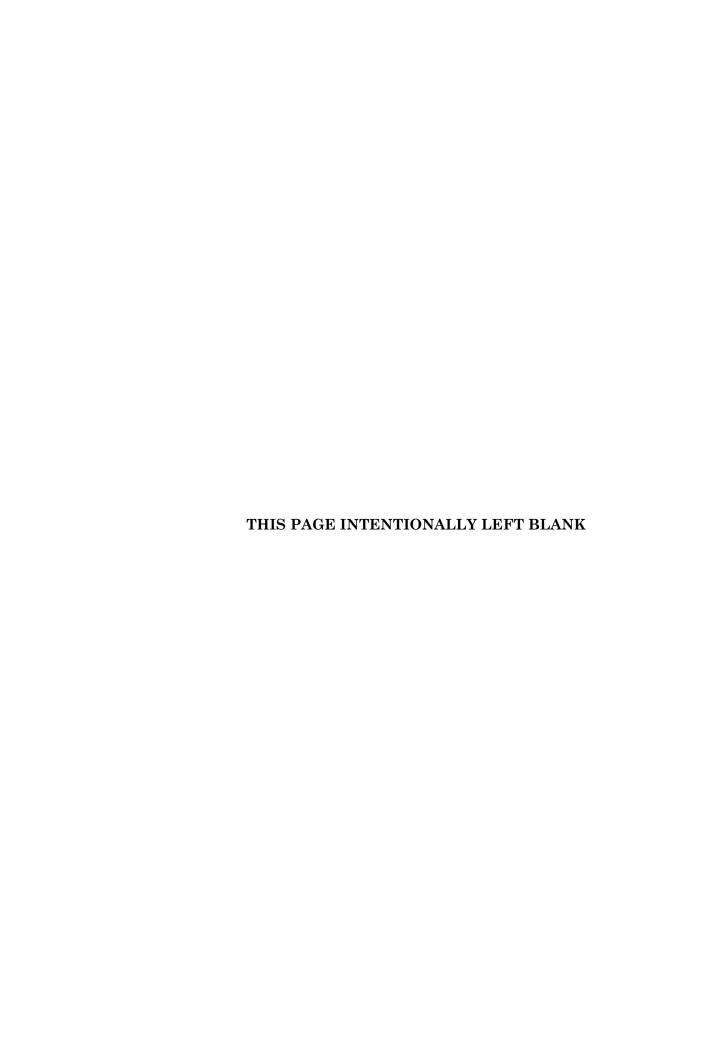
N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ROGER ALAN BIGGS;	§	
RN103232138	§	ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2014-1879-LII-E

On	, the Texas Commission on Environmental Quality
("Commission" or "TCEO	") considered the Executive Director's Preliminary 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 a	nd corrective action of the respondent. The respondent made the
subject of this Order is F	Roger Alan Biggs ("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 1200 Farm to Market Road 720 in Frisco, Denton County, Texas (the "Business"). Respondent holds TCEQ irrigator license no. 0004376 and sells, designs, offers consultations regarding, installs, maintains, alters, repairs, and/or services landscape irrigation systems. 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 February 14, 2014, an investigator documented that Respondent:
 - a. Failed to comply with local regulations and obtain a permit prior to installing a landscape irrigation system. Specifically, Respondent failed to obtain the required permit from the City of Little Elm prior to installing an irrigation system at 2705 Vasey Oak in Little Elm, Denton County, Texas (the "Site").
 - b. Failed to provide a complete irrigation plan prior to construction. Specifically, Respondent did not provide an irrigation plan prior to construction that included the location and type of rain sensor, location and type of water meter, scale, north arrow, a legend, the irrigator's seal, signature, and date of signing for the irrigation system that was installed at the Site.
 - c. Failed to include all required information in a contract. Specifically, the contract written by Respondent on July 18, 2013, for installing an irrigation system at the Site did not include the current business telephone number, a licensed irrigator's seal, and the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-128, P.O. Box 13087, Austin, Texas 78711-3087. The TCEQ's website is www.tceq.state.tx.us."
 - d. Failed to include all required information in an invoice. Specifically, the invoice issued by Respondent on July 18, 2013, for installing an irrigation system at the Site did not include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-128, P.O. Box 13087, Austin, Texas 78711-3087. The TCEQ's website is www.tceq.state.tx.us."

- 3. 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 Roger Alan Biggs" (the "EDPRP") in the TCEQ Chief Clerk's office on June 8, 2015.
- 4. By letter dated June 8, 2015, 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 USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on June 11, 2015.
- 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. 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 TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to comply with local regulations and obtain a permit prior to installing a landscape irrigation system, in violation of 30 Tex. Admin. Code § 344.24(a).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a complete irrigation plan prior to construction, in violation of 30 Tex. ADMIN. CODE §§ 344.43(g) and 344.61(c).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to include all required information in a contract, in violation of Tex. ADMIN. CODE §§ 344.43(g) and 344.71(a).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to include all required information in an invoice, in violation of 30 Tex. ADMIN. CODE § 344.71(b).
- 6. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by Tex. WATER CODE § 7.055 and 30 Tex. ADMIN. CODE § 70.104(b)(1).
- 7. As evidenced by Finding of Fact No. 5, 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.
- 8. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of five hundred two dollars (\$502.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 10. 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:

- Respondent is assessed an administrative penalty in the amount of five hundred two dollars (\$502.00) for violations of state statutes and rules of the TCEQ.
 The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
- 2. The 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 the TCEQ and shall be sent with the notation "Re: Roger Alan Biggs; Docket No. 2014-1879-LII-E" to:

Financial Administration Division, Revenue Operations 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. Within 30 days after the effective date of this Order, implement measures and/or procedures to:
 - i. Ensure required permits are obtained prior to installing irrigation systems;
 - ii. Ensure all irrigation system plans include all the requirements listed in 30 Tex. ADMIN. CODE § 344.61(c);
 - iii. Ensure all contracts include all the requirements listed in 30 Tex. ADMIN. CODE § 344.71(a); and
 - iv. Ensure all invoices include all the requirements listed in 30 Tex. ADMIN. CODE § 344.71(b).
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iv. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Roger Alan Biggs Docket No. 2014-1879-LII-E Page 4

> 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. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.
- 6. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 7. 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.
- 8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines 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 fully executed 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY	
For the Commission	

AFFIDAVIT OF JESS ROBINSON

STATE OF TEXAS

§

COUNTY OF TRAVIS

8

"My name is Jess Robinson. 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 Roger Alan Biggs" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 8, 2015.

The EDPRP was mailed to Respondent's last known address on June 8, 2015, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on June 11, 2015.

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

Jess Robinson, Staff Attorney

Office of Legal Services, Litigation Division Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jess Robinson, 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.

Subscribed and sworn to before me on this 5th day of August, A.D. 2015.

ECKO RENE BEGGS
Notary Public, State of Texas
My Commission Expires
MAY 30, 2019

Notary without Bond

Notary Public, State of Texas