

**Patrick Gordon Snipes**  
**RN110821154**  
**Docket No. 2021-0734-LII-E**

**Order Type:**  
Default Order

**Media:**  
LII

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
10801 Belton Avenue, Lubbock, Lubbock County (the “Business”)  
3520 41st Street, Lubbock, Lubbock County (the “Site”)

**Type of Operation:**  
a landscape irrigation 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:** June 14, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$3,525

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

**Total Due to General Revenue:** \$3,525

**Compliance History Classifications:**

Person/CN - Not Applicable  
Site/RN - Not Applicable

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** September 3, 2020

*Complaint Information:* On September 3, 2020, the Texas Commission on Environmental Quality (TCEQ) Landscape Irrigation Program received a complaint alleging that a licensed irrigator refused to remedy any of the owners’ complaints.

**Date(s) of Investigation:** September 10, 2020

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

**Date(s) of NOE(s):** June 2, 2021

**Patrick Gordon Snipes**  
RN110821154  
Docket No. 2021-0734-LII-E

**Violation Information**

1. Failed to ensure that every document requiring an irrigator's seal has the seal clearly visible and legible on the original document and all copies or reproductions of the original document [30 TEX. ADMIN. CODE §§ 344.42(a) and 344.71(a)].
2. Failed to obtain all permits and inspections required to install an irrigation system [30 TEX. ADMIN. CODE § 344.35(d)(2)].
3. Failed to include the required TCEQ statement on all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system [30 TEX. ADMIN. CODE § 344.71(a) and (b)].
4. Failed to ensure the backflow prevention assembly is tested prior to being placed in service [30 TEX. ADMIN. CODE § 344.52(c)].
5. Failed to ensure all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation [30 TEX. ADMIN. CODE § 344.60].
6. Failed to make available all records of landscape irrigation services within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation [30 TEX. ADMIN. CODE § 344.38].
7. Failed to adhere to terms of the warranty presented to the irrigation system's owner [30 TEX. ADMIN. CODE § 344.72(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Implement measures and/or procedures to ensure every document requiring an irrigator's seal has the seal clearly visible and legible on the original document and all copies or reproductions of the original document, including contracts;
  - b. Implement measures and/or procedures to ensure that all permits are obtained prior to installing irrigation systems;
  - c. Implement measures and/or procedures to ensure the required statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.texas.gov](http://www.tceq.texas.gov)" is included on all bids and contracts to install an irrigation system;
  - d. Implement measures and/or procedures to ensure backflow prevention devices are tested prior to being placed in service;
  - e. Implement measures and/or procedures to ensure that all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation; and
  - f. Implement measures and/or procedures to ensure that all records of landscape irrigation services are made available within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirements 1.a. through 1.f.

**Patrick Gordon Snipes**  
RN110821154  
Docket No. 2021-0734-LII-E

**Litigation Information**

**Date Petition(s) Filed:** February 21, 2024  
**Date(s) of Service:** February 26, 2024  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Cynthia Sirois, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Mistie Gonzales, Enforcement Division, 254-761-3056  
**TCEQ Regional Contact:** Jason Lindeman, Lubbock Regional Office, 806-796-7092  
**Respondent Contact:** Patrick Gordon Snipes, 2211 SE 3rd Street, Boynton Beach, Florida 33435  
**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	3-May-2021		
	<b>PCW</b>	4-Nov-2021	<b>Screening</b>	27-May-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Patrick Gordon Snipes
<b>Reg. Ent. Ref. No.</b>	RN110821154
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60862	<b>No. of Violations</b>	7
<b>Docket No.</b>	2021-0734-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>	Mistie Gonzales
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,750</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for Compliance History.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,885  
 Estimated Cost of Compliance: \$3,213  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,750</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>101.4%</b> Adjustment	<b>\$1,775</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs associated with Violation Nos. 1, 3, 6, and 7.

<b>Final Penalty Amount</b>	<b>\$3,525</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,525</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$3,525</b>
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**Screening Date** 27-May-2021

**Docket No.** 2021-0734-LII-E

**PCW**

**Respondent** Patrick Gordon Snipes

*Policy Revision 4 (April 2014)*

**Case ID No.** 60862

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN110821154

**Media** Irrigators

**Enf. Coordinator** Mistie Gonzales

### Compliance History Worksheet

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

Component	Number of...	Number	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 judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
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%

**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text" value="Less than 30% of the rule requirements was not met."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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="checkbox"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

**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** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$250	10-Sep-2020	29-Mar-2022	1.55	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure every document requiring an irrigator's seal be clearly visible and legible on the original document and all copies or reproductions of the original document, including contracts. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	20-Feb-2020	27-May-2021	1.27	\$2	\$25	\$27
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided cost to include an irrigator's seal on the contract for the irrigation system installed at 3520 41st Street, Lubbock, Lubbock County, Texas. Date required is the date of the contract, and the final date is the screening date.

Approx. Cost of Compliance

\$275

**TOTAL**

\$46



**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to obtain all permits and inspections required to install an irrigation system. Specifically, the Respondent did not obtain a permit from the City of Lubbock prior to installing an irrigation system at 3520 41st Street, Lubbock, Lubbock County, Texas.

**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"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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**

One single event is recommended.

**Good Faith Efforts to Comply**

**Reduction**

Before NOE/NOV NOE/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"/>	<input type="text"/>

**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** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$250	10-Sep-2020	29-Mar-2022	1.55	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure that all permits are obtained prior to installing irrigation systems. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost to obtain a permit to install the irrigation system at 3520 41st Street, Lubbock, Lubbock County, Texas is captured in the Economic Benefit for Violation No. 7.

Approx. Cost of Compliance

\$250

**TOTAL**

\$19

**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number**   
**Rule Cite(s)**

30 Tex. Admin. Code § 344.71(a) and (b)

**Violation Description**

Failed to include the required TCEQ statement on all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system. Specifically, the bids and contract entered into by the Respondent on February 20, 2020 for installation of an irrigation system at 3520 41st Street, Lubbock, Lubbock County, Texas did not include the required statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.texas.gov".

**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"/>	<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" value="x"/>

**Percent**

Matrix Notes

Less than 30% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/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"/>	<input type="text"/>

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** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$250	10-Sep-2020	29-Mar-2022	1.55	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure the required statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.texas.gov](http://www.tceq.texas.gov)" is included on all bids and contracts to install an irrigation system. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	20-Feb-2020	27-May-2021	1.27	\$2	\$25	\$27
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost to include the required TCEQ statement on the bids and contract for installation of an irrigation system at 3520 41st Street, Lubbock, Lubbock County, Texas. Date required is the bid/contract date, and final date is the screening date.

Approx. Cost of Compliance

\$275

**TOTAL**

\$46

**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to ensure the backflow prevention assembly is tested prior to being placed in service. Specifically, the Respondent put a backflow prevention assembly into service for the irrigation system at 3520 41st Street, Lubbock, Lubbock County, Texas without first testing the device

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/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"/>	<input type="text"/>

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** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$250	10-Sep-2020	29-Mar-2022	1.55	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure backflow prevention devices are tested prior to being placed in service. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost to test the backflow prevention assembly for the irrigation system at 3520 41st Street, Lubbock, Lubbock County Texas is captured in the Economic Benefit for Violation No. 7.

Approx. Cost of Compliance

\$250

**TOTAL**

\$19

**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number**   
**Rule Cite(s)**

30 Tex. Admin. Code § 344.60

**Violation Description**

Failed to ensure all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation. Specifically, the irrigation system installed at 3520 41st Street, Lubbock, Lubbock County, Texas included a water line with an unglued cap that caused flooding on March 19, 2020.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not 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

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**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/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"/>	<input type="text"/>

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** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$250	10-Sep-2020	29-Mar-2022	1.55	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$19



**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code § 344.38

**Violation Description**  
 Failed to make available all records of landscape irrigation services within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation. Specifically, all records relating to the irrigation system installed at 3520 41st Street, Lubbock, Lubbock County, Texas were requested on December 17, 2020, but were not provided to the TCEQ.

**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 1 259 Number of violation days

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 NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	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** \$66

**Violation Final Penalty Total** \$504

**This violation Final Assessed Penalty (adjusted for limits)** \$504

## Economic Benefit Worksheet

**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$250	6-Jan-2021	29-Mar-2022	1.22	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure that all records of landscape irrigation services are made available within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation. Date required is the record review date, and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$50	6-Jan-2021	27-May-2021	0.39	\$1	\$50	\$51
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost to provide all records of landscape irrigation services for the irrigation system located at 3520 41st Street, Lubbock, Lubbock County, Texas. Date required is the date the records were due, and the final date is the screening date.

<b>Approx. Cost of Compliance</b>	\$300	<b>TOTAL</b>	\$66
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**Screening Date** 27-May-2021  
**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Enf. Coordinator** Mistie Gonzales

**Docket No.** 2021-0734-LII-E

**PCW**

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

**Violation Number** 7

**Rule Cite(s)** 30 Tex. Admin. Code 344.72(a)

**Violation Description**  
 Failed to adhere to terms of the warranty presented to the irrigation system's owner. Specifically, the Respondent provided a twelve-month warranty, but did not correct the problems with the irrigation system that was installed at 3520 41st Street, Lubbock, Lubbock County, Texas.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

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

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 259 Number of violation days

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 NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	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** \$1,670

**Violation Final Penalty Total** \$504

**This violation Final Assessed Penalty (adjusted for limits)** \$504

## Economic Benefit Worksheet

**Respondent** Patrick Gordon Snipes  
**Case ID No.** 60862  
**Reg. Ent. Reference No.** RN110821154  
**Media** Irrigators  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>	\$1,613	10-Sep-2020	27-May-2021	0.71	\$57	\$1,613	\$1,670
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to adhere to terms of the warranty presented to the irrigation system's owner and correct the problems with the irrigation system that was installed at 3520 41st Street, Lubbock, Lubbock County, Texas, including obtaining a permit to install the irrigation system, ensuring the system is zoned appropriately and not spraying water onto a brick wall nor leaking water onto the pavement, and testing the backflow prevention assembly. Date required is the investigation date, and the final date is the screening date.

Approx. Cost of Compliance \$1,613

**TOTAL** \$1,670

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

Compliance History Report for CN605683002, RN110821154, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605683002, SNIPES, PATRICK GORDON  
**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN110821154, SNIPES, PATRICK GORDON  
**Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 10801 Belton Avenue, Lubbock, Texas

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**

LANDSCAPE IRRIGATION LICENSING LICENSE  
LI0025245

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** June 16, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 16, 2017 to June 16, 2022

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

**Name:** Alejandro Laje

**Phone:** (512) 239-2547

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

**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:**  
N/A

**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  
ENFORCEMENT ACTION  
CONCERNING  
PATRICK GORDON SNIPES;  
RN110821154**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2021-0734-LII-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") 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 and corrective action of the respondent. The respondent made the subject of this Order is Patrick Gordon Snipes ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owned and operated a business located at 10801 Belton Avenue in Lubbock, Lubbock County, Texas (the "Business"). Respondent holds TCEQ Irrigator License No. LI0025245 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 September 10, 2020, TCEQ staff documented that Respondent:
  - a. Failed to ensure that every document requiring an irrigator's seal has the seal clearly visible and legible on the original document and all copies or reproductions of the original document. Specifically, the contract to install an irrigation system at 3520 41st Street in Lubbock, Lubbock County, Texas did not include the irrigator's seal;
  - b. Failed to obtain all permits and inspections required to install an irrigation system. Specifically, Respondent did not obtain a permit from the City of Lubbock prior to installing an irrigation system at 3520 41st Street in Lubbock, Lubbock County, Texas;
  - c. Failed to include the required TCEQ statement on all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system. Specifically, the bids and contract entered into by Respondent on February 20, 2020, for installation of an irrigation system at 3520 41st Street in Lubbock, Lubbock County, Texas did not include the required statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.texas.gov](http://www.tceq.texas.gov)";
  - d. Failed to ensure the backflow prevention assembly is tested prior to being placed in service. Specifically, Respondent put a backflow prevention assembly into service for the irrigation system at 3520 41st Street in Lubbock, Lubbock County, Texas without first testing the device;

- e. Failed to ensure all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation. Specifically, the irrigation system installed at 3520 41st Street in Lubbock, Lubbock County, Texas included a water line with an unglued cap that caused flooding on March 19, 2020;
  - f. Failed to make available all records of landscape irrigation services within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation. Specifically, all records relating to the irrigation system installed at 3520 41st Street in Lubbock, Lubbock County, Texas were requested on December 17, 2020, but were not provided to the TCEQ; and
  - g. Failed to adhere to terms of the warranty presented to the irrigation system's owner. Specifically, Respondent provided a twelve-month warranty, but did not correct the problems with the irrigation system that was installed at 3520 41st Street in Lubbock, Lubbock County, Texas.
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 Patrick Gordon Snipes" (the "EDPRP") in the TCEQ Chief Clerk's office on February 21, 2024.
  4. By letter dated February 21, 2024, 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 February 26, 2024, as evidenced by the signature on the card.
  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. OCC. CODE ch. 1903 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to ensure that every document requiring an irrigator's seal has the seal clearly visible and legible on the original document and all copies or reproductions of the original document, in violation of 30 TEX. ADMIN. CODE §§ 344.42(a) and 344.71(a).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain all permits and inspections required to install an irrigation system, in violation of 30 TEX. ADMIN. CODE § 344.35(d)(2).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to include the required TCEQ statement on all written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system, in violation of 30 TEX. ADMIN. CODE § 344.71(a) and (b).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to ensure the backflow prevention assembly is tested prior to being placed in service, in violation of 30 TEX. ADMIN. CODE § 344.52(c).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation, in violation of 30 TEX. ADMIN. CODE § 344.60.



7. As evidenced by Finding of Fact No. 2.f., Respondent failed to make available all records of landscape irrigation services within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation, in violation of 30 TEX. ADMIN. CODE § 344.38.
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to adhere to terms of the warranty presented to the irrigation system's owner, in violation of 30 TEX. ADMIN. CODE § 344.72(a).
9. 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).
10. 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.
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 TCEQ'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 \$3,525 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 \$3,525 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 TCEQ and shall be sent with the notation "Re: Patrick Gordon Snipes; Docket No. 2021-0734-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:
    - i. Implement measures and/or procedures to ensure every document requiring an irrigator's seal has the seal clearly visible and legible on the original document and all copies or reproductions of the original document, including contracts, in accordance with 30 TEX. ADMIN. CODE § 344.42 and 344.71 (Conclusion of Law No. 2);

- ii. Implement measures and/or procedures to ensure that all permits are obtained prior to installing irrigation systems, in accordance with 30 TEX. ADMIN. CODE § 344.35 (Conclusion of Law No. 3);
  - iii. Implement measures and/or procedures to ensure the required statement "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.texas.gov](http://www.tceq.texas.gov)" is included on all bids and contracts to install an irrigation system, in accordance with 30 TEX. ADMIN. CODE § 344.71 (Conclusion of Law No. 4);
  - iv. Implement measures and/or procedures to ensure backflow prevention devices are tested prior to being placed in service, in accordance with 30 TEX. ADMIN. CODE § 344.52 (Conclusion of Law No. 5);
  - v. Implement measures and/or procedures to ensure that all irrigation systems are designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation, in accordance with 30 TEX. ADMIN. CODE § 344.60 (Conclusion of Law No. 6); and
  - vi. Implement measures and/or procedures to ensure that all records of landscape irrigation services are made available within ten business days of any request made by authorized representatives of the Commission or local regulatory authority with jurisdiction over landscape irrigation, in accordance with 30 TEX. ADMIN. CODE § 344.38 (Conclusion of Law No. 7).
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.vi. The certification 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 that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Program Support Section Manager  
Office of Compliance and Enforcement, 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 Enforcement Division 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 ("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. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. 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.
11. 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

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For the Commission

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Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF CYNTHIA K. SIROIS

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 Patrick Gordon Snipes' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 21, 2024.

The EDPRP was mailed to Respondent's last known address on February 21, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on February 26, 2024, as evidenced by the signature on the card.

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."

"My name is Cynthia K. Sirois, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 23th day of May, 2024

*Cynthia K Sirois*

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Declarant