

Texas Commission on Environmental Quality
Landscape Irrigation General Complaint Form

Please Print or Type. For more information, see reverse side.

Complaint Registered Against (Respondent)	Complaint Registered by (Complainant)	
*Name: _____	Name: _____	
*Telephone Number: _____	Telephone Number: _____	
*Address: _____	Address: _____	
*City: _____ *Zip Code: _____	City: _____ Zip Code: _____	
Business Name: _____	Business Name: _____	
License Number: _____	License Number: _____	
*Attachments: <i>(Check those that apply)</i>		
Contract	Photos	Invoice(s)
Cancelled check(s)	Advertisement	Correspondence

DETAILS OF YOUR COMPLAINT

***PLEASE DESCRIBE YOUR COMPLAINT IN SUFFICIENT DETAIL, ANSWERING THE FOLLOWING QUESTIONS: What date and time did the incident occur? Where did the incident occur?** (Give a physical address that includes the street, city and county of the irrigation system; date and publication information for an advertisement; or date and location of a flyer.) What happened? (You may attach additional sheets if needed.)

Have you talked with the Respondent about this complaint? No Yes, on: _____

Results of Discussion: _____

By my signature, the facts thus stated, are true to the best of my knowledge and belief.

Signature: _____ Date: _____

Please note that you may be asked to sign an affidavit, testify in court, and/or certify what you have reported if the investigation results in cited violations leading to an enforcement action. Page 3 contains a sample affidavit.

*** Indicated minimum information required to investigate a complaint.**

Landscape Irrigation Complaint Process

Who May File a Complaint?

Any person may file a valid complaint against any individual relating to any phase of landscape irrigation. Many municipalities and water districts have adopted landscape irrigation programs. Contact your local water purveyor to determine if a complaint can be resolved at the local level.

How do I File a Complaint?

A. Complaints must be in writing and submitted on this form (TCEQ-10380) or another format that provides the same required information. Without the required information, the TCEQ will not be able to investigate the complaint.

B. Describe the complaint in detail. Include dates, time, location (physical address) and name. Attach additional documentation such as copies of plans, contract documents, photographs, etc.

C. Submit the form and supporting documents to:
Landscape Irrigation Program, MC-235
P.O. Box 13087, Austin, TX 78711-3087;
Fax - 512/239-2249; or
E-mail - install@tceq.texas.gov

How Will I Know the Status of My Complaint?

A. Visit the Agency's Web site at:
<http://www2.tceq.texas.gov/oce/waci/index.cfm>.

B. Contact the TCEQ in writing, by e-mail at install@tceq.texas.gov, or by telephone for a periodic status of your report by calling 512/239-LAWN.

C. If the nature of the complaint is outside the agency's jurisdiction, you will be notified in writing. If your information is provided on the complaint form (TCEQ-10380), you will be notified via e-mail.

What Complaints are Within the Agency's Jurisdiction?

Any landscape irrigation violation of the Texas Water Code chapter 37, Occupations Code, chapter 1903, and Texas Administrative Code, chapter 344.

What is the Complaint Process?

A. The complaint is received, reviewed, and assigned to a Landscape Irrigation Program investigator.

B. The Complainant (if known) may be contacted for additional information.

C. The person upon whom the complaint has been filed (Respondent) will be contacted.

D. The investigation may result in one or a combination of the following:

1. Written notice of violation (mailed to complainant).
2. License suspension or revocation.
3. Enforcement Action: administrative or civil penalty.
4. Dismissal of complaint due to insufficient evidence.
5. Referral to municipality with Landscape Irrigation Program ordinance.

How May I Obtain More Information?

For more information, contact the TCEQ Landscape Irrigation Program at 512/239-LAWN or by e-mail at install@tceq.texas.gov.

You may visit the Agency Web site for additional information regarding Landscape Irrigation at: www.tceq.texas.gov/licensing/irrigation/landscape.html.

Photograph

- A. Submit an "original" photograph.
- B. Include the following information written in ink on the back of the photograph:
 - 1. Date
 - 2. Location
 - 3. Name of person taking photograph
 - 4. Number sequence (e.g. 1 of 5)
 - 5. Brief description of the photograph

SAMPLE

6/1/10 - Anywhere, Texas
John Doe
Photo - 1 of 5

This picture shows a yardstick measuring from the driveway at 123 Easy Street, Anywhere to a sprinkler head. The head is located 2 inches from the driveway.

ADVERTISEMENTS

- A. What is the name, location (page 25, etc) and date of the publication?
- B. What is the contact information for the publication?
- C. **For internet publications**, provide the actual document. (In some instances, the document has been removed and we are unable to verify the information.)
- D. Are you aware of any selling, consulting, installation, maintenance, alteration, repairs, or service that the individual/company might have performed?
- E. Are there multiple advertisements for the person/company?

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COUNTY OF NAME OF COUNTY

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WHERE AFFIDAVIT IS EXECUTED

"My name is CITIZEN'S NAME. I am of sound mind and over the age of 18, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct. The TCEQ Executive Director requested that I execute this affidavit in accordance with the procedure set forth in a TCEQ rule, 30 TEX. ADMIN. CODE § 70.4. The rule concerns the TCEQ Executive Director's use of information provided by a private individual in an enforcement action.

My mailing address and telephone number are as follows: CITIZEN'S MAILING ADDRESS AND PHONE NUMBER.

On DATE, I gave to the TCEQ information that shows a violation of statutes or rules within TCEQ's jurisdiction. The information shows that IDENTIFY THE INFORMATION THE CITIZEN GAVE TO THE TCEQ. THE CITIZEN SHOULD DESCRIBE THE FACTS HE/SHE OBSERVED. [DO NOT MAKE CONCLUSORY STATEMENTS ABOUT WHAT VIOLATION OCCURRED!] THE CITIZEN SHOULD DESCRIBE THE FACTS THAT SHOW WHO IS RESPONSIBLE. (See attached examples.)

Attached hereto are _____ pages of records. These said _____ pages of records were prepared by myself, made with my knowledge of the act, event, condition, opinion, or diagnosis shown in the records. The records were made at or near the time of the act, event, condition, opinion, or diagnosis, or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original.

I certify that the information in this affidavit was not gathered illegally.

I certify that I will testify in any enforcement proceedings the TCEQ Executive Director may initiate using the information I have provided in this affidavit, including enforcement proceedings pursued by the TCEQ Executive Director, and enforcement proceedings pursued through the TCEQ Executive Director's referral of the matter to an appropriate prosecuting authority."

CITIZEN'S NAME

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 2011.

Notary Public, State of Texas

Notary's printed name:

My commission expires:

SAMPLE AFFIDAVIT LANGUAGE

Example 1:

On <<DATE>> I observed a truck parked outside my neighbor's house. The truck advertised Landscape Irrigation by <<Business Name>> with license number <<LICENSE>> clearly identified on the truck. I observed an irrigation system being installed at <<ADDRESS>> on that same day (<<OR on what date>>) by employees of <<Business Name>>. I know the workers were employed by <<Business Name>> because (ex. They were wearing shirts identifying them as such; they drove away in the truck; they were using tools from the truck, etc).

I checked the TCEQ database and noted that the license number on the vehicle was expired (or belonged to another individual).

Example 2:

On <<DATE>> I received <<name of the publication>>. The publication advertised sprinkler system installation and repair and did not include a license number on the advertisement. I contacted <<Business Name>> on <<DATE>> and asked if they employed a licensed irrigator to perform sprinkler system installation and repairs. <<Name>>, <<Position, i.e., Owner, Secretary, Supervisor>>, told me that they were not required to have a licensed irrigator. I provided the original publication to TCEQ on <<DATE>>.

Example 3:

On <<DATE>> I was asked to provide an estimate to repair an irrigation system installed at <<ADDRESS>>. During my visit, I observed that the <<irrigation system did not have head-to-head coverage, as evidence by - explain how you determined the coverage was not met. >> I observe a sticker on the controller noting that <<NAME>> installed the irrigation system. The irrigation system owner confirmed this information. I have attached a photograph of the controller showing the sticker that I observed.