

# Exhibit C

# Texas Commission on Environmental Quality Investigation Report

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**Customer: Triple P.G. Sand Development, L. L. C.**  
**Customer Number: CN604086991**

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**Regulated Entity Name: TRIPLE PG SAND DEVELOPMENT**

**Regulated Entity Number: RN106418817**

**Investigation #** 1597993

**Incident Numbers**

321770

**Investigator:** CHRISTIAN EUBANKS

**Site Classification** MULTISECTOR GENERAL  
PERMIT FOR INDUSTRIAL  
WW  
AGGREGATE PRODUCTION  
OPERATION REGISTRATION

**Conducted:** 09/24/2019 -- 09/25/2019

**SIC Code:** 1442

**NAIC Code:** 212321

**Program(s):** AGGREGATES  
STORMWATER

**Investigation Type:** Compliance Investigation

**Location:**

**Additional ID(s):** TXR05BH80  
AP0001818

**Address:** 1025 HUENI ROAD,  
PORTER, TX, 77365

**Local Unit:** REGION 12 - HOUSTON

**Activity Type(s):** APOCMPL - Complaints that have  
been investigated through a site visit  
or office research  
APO - An activity code used to identify  
an investigation related to Aggregate  
Production Operations. This activity  
code can be associated to any  
investigation type for any media that is  
directly related to an aggregate  
production operation. It is not  
necessary

**Principal(s):**

**Role**

RESPONDENT

**Name**

TRIPLE PG SAND DEVELOPMENT L L C

**Contact(s):**

**TRIPLE PG SAND DEVELOPMENT - PORTER**

9/24/2019 to 9/25/2019 Inv. # - 1597993

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<b>Role</b>	<b>Title</b>	<b>Name</b>	<b>Phone</b>
PARTICIPATED IN	MANAGER	MS PRATHIMA GUNIGANTI	Phone (713) 376-1001
NOE CONTACT	MANAGER	MS PRATHIMA GUNIGANTI	Phone (713) 376-1001
REGULATED ENTITY CONTACT	MANAGER	MS PRATHIMA GUNIGANTI	Phone (713) 376-1001
REGULATED ENTITY MAIL CONTACT	MANAGER	MS PRATHIMA GUNIGANTI	Phone (713) 376-1001

**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
Investigator	TREY THUMANN
Investigator	KYLE LINVILLE
QA Reviewer	WESTIN MASSEY
Supervisor	PRISCILLA HUDSON

**Associated Check List**

<b><u>Checklist Name</u></b>	<b><u>Unit Name</u></b>
WQ COMPLAINT INVESTIGATION	COMP

**Investigation Comments:**

**INTRODUCTION**

On September 24, 2019, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received a complaint (Incident No. 321770) alleging an unauthorized discharge. The alleged complaint is located at the Triple PG Sand Development (Triple PG), 1025 Hueni Rd, Porter (Montgomery County), Texas 77365. An Aggregate Productions Operations (APO) complaint investigation was conducted in response to the complaint to determine compliance with applicable APO regulations.

An investigation was conducted at the incident location from September 24, 2019 to September 25, 2019, by Mr. Christian Eubanks, Mr. Kyle Linville, and Mr. Trey Thumann, Environmental Investigators with the TCEQ Houston Region Office. The investigation was conducted as the result of a complaint; therefore, no notification of the investigation was given.

A copy of the TCEQ Exit Interview Form was received by Ms. Prathima Guniganti, Manager at Triple PG Sand Development, via email on September 27, 2019 (Attachment 1: Exit Interview Form). Based on the findings of this investigation, a Notice of Enforcement letter was issued.

**BACKGROUND**

A TCEQ Consolidated Compliance and Enforcement Data System (CCEDS) search and database review was conducted pursuant to this investigation. Six previous investigations (CCEDS numbers 1222233, 1343282, 1473714, 1479633, 1507123, and 1569361) were conducted within five years preceding this investigation.

Investigation number 1222233 was a Stormwater Reconnaissance Investigation conducted on January 13, 2015. An alleged violation for failure to prevent the unauthorized discharge of process water was noted and was resolved on January 18, 2015 based on documentation submitted to the TCEQ Houston Region Office indicating that the unauthorized discharge had stopped by blocking the spillway.

Investigation number 1343282 was an APO On-site Survey conducted on June 27, 2016, in response to an

## TRIPLE PG SAND DEVELOPMENT - PORTER

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in-house survey that indicated that the facility had an expired registration. An alleged violation for failure to renew the APO registration was noted and was resolved on June 28, 2016 based on information submitted to the TCEQ Houston Region Office indicating that an APO registration had been obtained. This alleged violation resulted in a Notice of Enforcement (NOE).

Investigation number 1473714 was an APO Comprehensive Compliance Investigation (CCI) and Stormwater CCI conducted on February 28, 2018 as a result of a complaint. Alleged violations were noted for failure to maintain pollution prevention measures and controls and failure to maintain the Stormwater Pollution Prevention Plan (SWP3). These alleged violations were noted and were resolved on March 9, 2018 based on documentation submitted to the TCEQ Houston Region Office which indicated the facility had maintained the pollution prevention measures and controls outlined in their SWP3.

Investigation number 1479633 was a Stormwater Reconnaissance and an APO On-site Survey Investigation conducted from March 29 to April 2, 2018. No alleged violations were noted as a result of the investigation.

Investigation number 1507123 was a Complaint Investigation conducted on August 8, 2018. No alleged violations were noted as a result of the investigation.

Investigation number 1569361 was an APO follow-up investigation conducted on May 15, 2019. An alleged violation for failure to prevent the unauthorized discharge of process water was noted and was resolved on May 31, 2019 based on the investigator confirming that the unauthorized discharge was no longer occurring. This alleged violation resulted in a Notice of Enforcement (NOE).

### GENERAL FACILITY AND PROCESS INFORMATION

The site is located at 1025 Hueni Rd Porter, (Montgomery County) Texas 77365. Global Positioning System (GPS) coordinates for the site are: 30.106484, -95.17776. The facility is a 40-acre wet mining and processing operation that extracts and sells sand under the active APO registration: AP0002367 (Attachment 2: Vicinity and Breach Map).

The facility's primary Standard Industrial Classification (SIC) code is 1442. A facility with an SIC code of 1442 is primarily engaged in operating sand and gravel pits as well as dredges and in washing, screening, or otherwise preparing sand and gravel for construction use.

Facilities with SIC code 1442 fall under Sector J of the Multi-Sector General Permit (MSGP) which has benchmark requirements for Nitrate + Nitrite N and total suspended solids (TSS). Sector J also has effluent limits for pH. Annual hazardous metals monitoring is required for the following metals: Arsenic, Barium, Cadmium, Chromium, Copper, Lead, Manganese, Mercury, Nickel, Selenium, Silver, and Zinc.

The facility has authorization for stormwater discharges under MSGP number TXR05BH80 which began on May 25, 2012. The facility is permitted to discharge stormwater through six outfalls, to the following stream segments: Mills Branch of White Oak Creek, Segment No. 1010B; White Oak Creek, Segment No. 1010B; and Caney Creek, Segment No. 1010 of the San Jacinto River (Attachment 3: Permit and Registration Information).

### INVESTIGATION

Heavy rains were predicted for the week of September 16, 2019 which prompted initial communication with the Triple PG Sand Development Facility. On September 21, 2019 the Civil Air Patrol (CAP) conducted an overflight of the Triple PG facility. The CAP was able to capture an aerial photograph of the facility, however the two berm breaches are out of view (Attachment 4: Civil Air Patrol Aerial Photograph Taken on September 21, 2019). On September 23, 2019 the facility notified the TCEQ Houston Region that a berm breach had occurred.

On September 24, 2019, Mr. Christian Eubanks and Mr. Kyle Linville conducted a site visit at the facility in response to a complaint. Upon arrival investigators met with Ms. Guniganti. Ms. Guniganti escorted the investigators to the first berm breach located on the south western edge of the facility, bordering White Oak Creek (Attachment 2: Vicinity and Breach Map). The breach was approximately 150 feet in length and 30 feet in width. Based on the direction of the uprooted trees along with the flow of the river, water from White Oak Creek came into the facility from the outside (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photographs 1-2). White Oak Creek flows north to south along the western edge of the Triple PG dredge pond.

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White Oak Creek is approximately 50 feet wide north of the first berm breach, and approximately 10 feet wide south of the berm breach. Due to the change in width, the creek began to turn east into the Triple PG facility, which then eroded the berm. From the location of the first breach, a second breach could be seen on the opposite side of the facility (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photograph 3).

After inspecting the first berm breach Ms. Guniganti ceased her escort of the investigators. After parting with Ms. Guniganti, the investigators continued their inspection of the facility. The investigators traveled to the northern area of the facility where they noted the construction of a road that connects the northwestern area of the facility to the northeastern berms that borders Caney Creek (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photograph 4). Investigators also noted an area where a third berm breach may have occurred (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photograph 5). Investigators could not confirm the third berm breach as the area was inaccessible at the time of the investigation.

Investigators then walked to the south eastern edge of the facility, along Caney Creek, to access the second berm breach. The breach was approximately 100 feet in length and 30 feet in width (Attachment 2: Vicinity and Breach Map). Based on the curve of Caney Creek, the river eroded the berm from the outside in. Once the berm was breached, water flowed from inside the dredge pond out towards Caney Creek. At the time of the investigation water was visually observed flowing from the dredge pond to Caney Creek (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photographs 6-8).

Additionally, while at the southeastern edge of the facility, investigators noted an area along the southeastern berm where water had overtopped the berm and flowed off-site. Based on the direction of the trees and debris, water from the dredge pond flowed southeast over the berms and continued to flow southeast off-site towards Caney Creek (Attachment 5: Photographic Documentation Taken on September 24, 2019; Photographs 9-11).

On September 25, 2019 Mr. Christian Eubanks and Mr. Trey Thumann conducted a site visit to obtain additional aerial photographs with TCEQ contractor Drone Pilot Inc. The drone was piloted by Mr. Reggie Book with assistance by Mr. George Conwill. Breaches one and two were confirmed, while the third potential berm breach could not be confirmed, as no water was discharging at the time of the drone flight. (Attachment 6: Photographic Documentation Taken on September 25, 2019; Photographs 1-4).

**ADDITIONAL INFORMATION**

The berm breaches that occurred between September 20, 2019 and September 23, 2019 remain breached. The dredge pond was breached on two sides of the facility, with White Oak Creek coming into the facility from the west at breach 1 and is exiting through breach 2 on the east edge of the facility into Caney Creek.

**CONCLUSION**

As a result of this investigation one outstanding alleged violation was noted: Failure to prevent the unauthorized discharge of process water.

**SUMMARY OF INVESTIGATION FINDINGS**

**NOE Date: 9/27/2019**

**OUTSTANDING ALLEGED VIOLATION(S)  
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

**Track Number: 728924      Compliance Due Date: To Be Determined**  
**Violation Start Date: 9/23/2019**

**2D TWC Chapter 26.121(a)(1)**

**Alleged Violation:**

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**Investigation: 1597993**

Comment Date: 09/27/2019

Failed to prevent the unauthorized discharge of process water.

Specifically, during the investigation evidence of an unauthorized discharge of wastewater (process water) was observed from the eastern portion of the facility. Water entered the facility through an approximate 150-foot berm breach and exited through an approximate 100-foot breach.

With the violation from the current investigation (Investigation No. 1597993) the Triple PG Sand Development Facility does not meet the Enforcement Initiation Criteria (EIC) for automatic enforcement. However, due to the extent of the berm breaches, the large volume of process water discharged from the facility potentially caused high impact to human health and the environment, thus enforcement action is warranted.

**Recommended Corrective Action:** There shall be no unauthorized discharge of pollutants. Submit to the TCEQ Houston Region Office documentation showing steps taken to prevent the reoccurrence of unauthorized discharges.

Signed   
\_\_\_\_\_  
Environmental Investigator

Date 9/27/2019

Signed   
\_\_\_\_\_  
Supervisor

Date 9-27-2019

**Attachments: (in order of final report submittal)**

- \_\_\_ Enforcement Action Request (EAR)
- \_\_\_ Letter to Facility (specify type) : \_\_\_\_\_
- Investigation Report
- \_\_\_ Sample Analysis Results
- \_\_\_ Manifests
- \_\_\_ Notice of Registration

- \_\_\_ Maps, Plans, Sketches
- \_\_\_ Photographs
- \_\_\_ Correspondence from the facility
- \_\_\_ Other (specify) :

\_\_\_\_\_  
\_\_\_\_\_

# Summary of Investigation Findings

<b>TRIPLE PG SAND DEVELOPMENT</b> <b>1025 HUENI ROAD</b> <b>PORTER, MONTGOMERY COUNTY, TX 77365</b>	<b>Investigation #</b> <b>1597993</b> <b>Investigation Date: 09/24/2019</b>
<b>Additional ID(s):</b> TXR05BH80 AP0001818	

## OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

**Track No:** 728924      **Compliance Due Date:** To Be Determined  
**2D TWC Chapter 26.121(a)(1)**

**Alleged Violation:**

Investigation: 1597993

Comment Date: 09/27/2019

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# SERVICE REQUEST FORM

**VELVA L. PRICE**

District Clerk, Travis County  
Civil Division (512) 854-9457

## REQUESTED BY:

**ATTORNEY/FILER:** H. Carl Myers / Irene Tong

**PHONE #:** 512-463-2012

**EMAIL:** Carl.Myers@oag.texas.gov / Irene.Tong@oag.texas.gov

**SUBMITTED BY:** Irene Tong

**TITLE:** Legal Assistant

**SIGNATURE:** /s/ Irene Tong

## ISSUE PROCESS FOR:

**CAUSE #:** new case

**CASE STYLE:** State of Texas v. Triple P.G. Sand Development, L.L.C.

## QUICK CITATION REQUEST: (FOR SERVICE OF CITATION ON ALL DEFENDANTS BY PERSONAL)

ISSUE CITATION TO ALL DEFENDANTS LISTED IN THE ORIGINAL PETITION AT THE ADDRESS SPECIFIED IN THE PETITION AND FORWARD THE CITATION(S) TO THE FOLLOWING:

- TRAVIS CO. CONSTABLE (specify):
  CERTIFIED MAIL BY CLERK
  ATTORNEY/REQUESTER  
 PRIVATE PROCESS AGENCY (specify):
  I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. DISCOVERY) TO INCLUDE

## DETAILED SERVICE REQUEST: (ON PARTICULAR PARTIES, BY VARIOUS DELIVERY METHODS, OR FOR NON-CITATION)

DESCRIPTION OF INSTRUMENT(S) TO BE SERVED:

I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. discovery) TO INCLUDE IN THE CITATION

**TYPE OF PROCESS TO ISSUE:**
 CITATION
  CERTIFIED NOTICE
  PROTECTIVE ORDER\*
  TRO\*^
  INJUNCTION\*^
  SEQUESTRATION\*^
  ATTACHMENT\*
  EXECUTION\*
  ABSTRACT\*
  SUPERSEDEAS^
  SCIRE FACIAS\*
  OTHER^

\*SPECIFY TITLE AND DATE OF UNDERLYING ORDER IN CASE RECORD:

^ATTACH A COPY OF BOND AND/OR OTHER SUPPORTING DOCUMENT

## SERVICE TO BE ISSUED:

**PARTY NAME:** Triple P.G. Sand Development, L.L.C.  
c/o Prabhakar Guniganti, Registered Agent

**PARTY TYPE:** Defendant

USE ADDRESS IN ORIGINAL PETITION  SECRETARY OF STATE

OTHER ADDRESS:

**EMAIL PROCESS TO:**

TRAVIS CO. CONSTABLE  
 ATTORNEY/REQUESTOR  
 PRIVATE PROCESS AGENCY:  
 Process Agency Name:

**SERVE VIA:**

PERSONAL SERVICE  
 CERTIFIED MAIL (BY CONSTABLE)  
 CERTIFIED MAIL (BY CLERK)  
 CITATION BY POSTING\*  
 CITATION BY PUBLICATION\*

**PARTY NAME:**

**PARTY TYPE:**

USE ADDRESS IN ORIGINAL PETITION  SECRETARY OF STATE

OTHER ADDRESS:

**EMAIL PROCESS TO:**

TRAVIS CO. CONSTABLE  
 ATTORNEY/REQUESTOR  
 PRIVATE PROCESS AGENCY:  
 Process Agency Name:

**SERVE VIA:**

PERSONAL SERVICE  
 CERTIFIED MAIL (BY CONSTABLE)  
 CERTIFIED MAIL (BY CLERK)  
 CITATION BY POSTING\*  
 CITATION BY PUBLICATION\*

**PARTY NAME:**

**PARTY TYPE:**

USE ADDRESS IN ORIGINAL PETITION  SECRETARY OF STATE

OTHER ADDRESS:

**EMAIL PROCESS TO:**

TRAVIS CO. CONSTABLE  
 ATTORNEY/REQUESTOR  
 PRIVATE PROCESS AGENCY:  
 Process Agency Name:

**SERVE VIA:**

PERSONAL SERVICE  
 CERTIFIED MAIL (BY CONSTABLE)  
 CERTIFIED MAIL (BY CLERK)  
 CITATION BY POSTING\*  
 CITATION BY PUBLICATION\*

\*THIS TYPE OF SERVICE MAY REQUIRE A COURT ORDER. ENTER DATE OF SERVICE ORDER IN CASE RECORD:

ADDITIONAL INSTRUCTIONS FOR CLERK OR FOR OFFICER SERVING PROCESS:

Urgent -- please issue a citation for defendant ASAP. Thanks!

**FOR ADDITIONAL PARTIES TO BE SERVED, USE e-FILED PROCESS ISSUANCE REQUEST FORM ADDENDUM**

C I T A T I O N  
T H E S T A T E O F T E X A S

CAUSE NO. D-1-GN-19-007086

STATE OF TEXAS

, Plaintiff

vs.

TRIPLE P.G. SAND DEVELOPMENT, L.L.C.

, Defendant

TO: TRIPLE P.G. SAND DEVELOPMENT, L.L.C.  
BY SERVING ITS REGISTERED AGENT AND DIRECTOR,  
PRABHAKAR GUNIGANTI  
50 WATERFORD CIRCLE  
NACOGDOCHES, TEXAS 75965  
OR WHEREVER HE MAY BE FOUND

Defendant, in the above styled and numbered cause:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the THE STATE OF TEXAS'S ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF of the PLAINTIFF in the above styled and numbered cause, which was filed on OCTOBER 11, 2019 in the 126TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, October 11, 2019.

REQUESTED BY:  
HENRY CARL MYERS  
OFFICE OF THE ATTORNEY GENERAL  
P O BOX 12548 CAPITOL STATION MC 066  
AUSTIN, TX 78711-2548  
BUSINESS PHONE: (512) 475-4103 FAX: (512) 320-0667



*[Handwritten Signature]*  
**Valva L. Price**  
**Travis County District Clerk**  
**Travis County Courthouse**  
**1000 Guadalupe, P.O. Box 679003 (78767)**  
**Austin, TX 78701**

PREPARED BY: CARRISA ESCALANTE

--- -- -- -- -- R E T U R N --- -- -- -- --

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M., and executed at \_\_\_\_\_ within the County of \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., by delivering to the within named \_\_\_\_\_, each in person, a true copy of this citation together with the THE STATE OF TEXAS'S ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the

By: \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Printed Name of Server

\_\_\_\_\_  
Notary Public, THE STATE OF TEXAS

\_\_\_\_\_  
County, Texas