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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 6, 2020

The Honorable Dan Huberty
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78768-2910

Re: Texas Concrete Sand and Gravel, Inc.; Plum Grove Plant; RN106352065

Dear Representative Huberty:

Thank you for your April 28, 2020 correspondence, regarding Texas Concrete Sand and Gravel, Inc. located at 7530 Farm-to-Market Road 1010 in Cleveland, Texas ("the Site").

The Texas Commission on Environmental Quality (TCEQ) received a complaint on April 27, 2020, alleging an unauthorized discharge of water and lack of stabilization at the Site. In response, an investigator from the TCEQ's Houston Region Office was deployed on April 28, 2020, to investigate the allegations. The investigator was unable to gain access to the Site due to the absence of facility personnel but was able to make some limited visual observations from the property boundary. The Site appears to be abandoned. No processing activity was noted, there is no signage, and the Site is overgrown with vegetation. While the TCEQ does not give prior notice of investigations for complaints, the Houston Region has begun working to contact facility personnel to facilitate access to the Site. All communication efforts since April 28, 2020, have been unsuccessful. Once the Site is accessible, the next on-site investigation will be conducted to further evaluate the allegations described in the April 27, 2020 complaint.

According to TCEQ records, the Site is known as Plum Grove Plant and was formerly operated by Texas Concrete Sand and Gravel, Inc. The Site was previously operated with Aggregate Production Operation registration number AP0002940 and Multi-sector General Stormwater Permit number TXR05DH81, both of which were cancelled on October 1, 2019. The TCEQ previously investigated this facility on September 24, 2019. The investigation documented unauthorized discharges, failure to meet final stabilization requirements prior to terminating coverage under the TXR05DH81 stormwater permit, and various recordkeeping violations. The alleged violations resulted in referral of Texas Concrete Sand and Gravel, Inc. for formal enforcement action on October 18, 2019, and a Proposed Agreed Order ("Order") was mailed to Texas Concrete Sand and Gravel, Inc. on April 14, 2020. A response to the Order is required by June 14, 2020, or the matter may be referred to the TCEQ's Litigation Division. The Order currently assesses a penalty of \$19,063 and contains corrective action provisions. A copy of this Order is included for your reference.

The TCEQ will continue to pursue Site access and monitor for settlement and compliance with the Order.

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If you have any questions or need additional information regarding this issue please contact Mr. Bryan Sinclair, Enforcement Division Director at (512) 239-2171 or via email at bryan.sinclair@tceq.texas.gov or Jonathan Walling, Coastal and East Texas Area Director at (512) 239-2295 or via email at jonathan.walling@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby Baker', with a stylized, cursive script.

Toby Baker
Executive Director
Texas Commission on Environmental Quality

Enclosure