

Texas Commission on Environmental Quality Investigation Report

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Customer: Generic Incident Principal

Customer Number: CN602295370

Regulated Entity Name: GENERIC INCIDENT ZIP CODE 77386

Regulated Entity Number: RN104045042

Investigation # 1976402

Incident Numbers

| | |
|------------------|------------------|
| Incident 422,120 | Incident 425,429 |
| Incident 423,542 | Incident 425,363 |
| Incident 422,100 | Incident 425,697 |
| Incident 428,437 | Incident 425,316 |

Investigator: OSCAR AYALA

Conducted: 04/26/2024 -- 06/06/2024

No Industry Code Assigned

Program: AGGREGATE PRODUCTION OPERATION

Program: STORMWATER

Investigation Type : Compliance Investigation

Location :

Additional ID

Address: ; City , State Zip

Local Unit : REGION 12 - HOUSTON

Activity Type: 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

Activity Type: APOCMPL - Complaints that have been investigated through a site visit or office research

Principal(s):

Role RESPONDENT

Name GENERIC INCIDENT PRINCIPAL

Contact(s):

Role PARTICIPATED
IN

Name MR Tommy Torres

Title REALTOR

Phone Number for Phone is (281) 914-0099
End of record for this contact

Role PARTICIPATED
IN

Name MR Jacob McCurry

Title VICE PRESIDENT

Phone Number for Office is (281) 354-2772
End of record for this contact

Other Staff Member(s):

Role QA Reviewer

Name CHARLIE THOMAS

Role Supervisor

Name KYLE LINVILLE

Associated Check List

Checklist Name WQ COMPLAINT INVESTIGATION

Unit Name Complaint

Investigation Comments:

INTRODUCTION

On April 12, 2024, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received a complaint (Incident No. 422100) alleging an unauthorized discharge. Additional complaints were received on April 29, 2024, May 13, 2024, June 8, 2024, June 9, 2024, and June 10, 2024, all alleging an unauthorized discharge (Incident Nos. 422120, 423542, 425316, 425363, 425429, and 425697). The alleged complaints are located at GPS Coordinates (30° 04' 20.4" N, 95° 17' 04.8" W), Spring, Montgomery County, Texas 77386 (Attachment 1: Vicinity Map). An Aggregate Production Operation (APO) Complaint Investigation (Investigation No. 1976402) for the incident location was conducted to determine compliance with applicable regulations. A Stormwater Multi Sector General Permit (MSGP) Reconnaissance Investigation (Investigation No. 1987802) was conducted in conjunction with this complaint investigation to evaluate compliance for RGI Materials, Inc. of the Porter Plant site located north of the West Fork San Jacinto River.

An investigation of the alleged incident location was conducted from April 26, 2024, to June 6, 2024, by Mr. Oscar Ayala, Environmental Investigator with the TCEQ Houston Region Office.

Based on the findings of this investigation, neither a TCEQ Exit Interview Form nor TCEQ Letter was issued. A letter with a copy of the investigation report was sent to the complainants.

BACKGROUND

A TCEQ Consolidated Compliance and Enforcement Data System (CCEDS) search and database review was conducted pursuant to this investigation. The alleged location is no longer an active APO facility. The alleged location was previously part of Porter Plant which is registered as an APO (APO Registration No. APO001605) and has authorization under the MSGP (Stormwater Permit No. TXR05EU571).

GENERAL FACILITY AND PROCESS INFORMATION

The alleged concerns are located at GPS Coordinates (30° 04' 20.4" N, 95° 17' 04.8" W), Spring, Montgomery County, Texas 77386. Based on Google Earth imagery date February 19, 2024, it appears a berm breached at GPS Coordinates (30° 04' 9.88" N, 95° 16' 58.33" W) (Attachment 1: Vicinity Map). The incident location was the southern part of the Porter Plant site which was used as a dredging pond by RGI Materials, Inc. According to Mr. Jacob McCurry, Vice President of RGI Materials, Inc., the incident location received process water until approximately September 2020 when the operator ceased dredging operations at the incident location. According to the Montgomery County Appraisal District, the southern part of the Porter Plant site was sold to Riverwalk Porter, LLC on January 23, 2024 (Attachment 2: Montgomery Central Appraisal District Property Search).

COMPLAINT INVESTIGATION DESCRIPTION

On April 26, 2024, Mr. Ayala contacted Mr. McCurry, via phone, to discuss site conditions at the incident. Mr. McCurry stated they RGI Materials, Inc. was not aware of any breaches at the incident location since they sold the property in January 2024.

On April 30, 2024, Mr. Ayala contacted Mr. McCurry, via phone, to ask if process water from aggregate processing activities had ever been stored in the pond south of the West Fork San Jacinto River. Mr. McCurry responded by informing Mr. Ayala that process water from aggregate processing activities would be primarily stored in the ponds north of the West Fork San Jacinto River. The dredging pond south of the West Fork San Jacinto River is primary stormwater and groundwater. However, the Porter Plant site would sometimes store process water in the pond south of the West Fork San Jacinto River based on needs of the operating company.

On May 14, 2024, Mr. Ayala called Mr. McCurry to confirm the timeline of the site's operations in the pond south of the West Fork San Jacinto River. Mr. Ayala asked Mr. McCurry for the date of the most recent transfer of process water to the dredging pond south of the river. Mr. McCurry stated that the last time the dredging pond south of the river received process water was approximately in September 2020. Mr. McCurry also informed Mr. Ayala that September 2020 was approximately when the operating company ceased dredging operations in the pond south of the river.

On May 29, 2024, the TCEQ conducted an overflight for the East and West Forks of the San Jacinto River. During the overflight, it was noted that sediment was blocking the natural course of the West Fork San Jacinto River at GPS Coordinates (30.077562, -95.284013) which appeared to cause the river to reroute through the former dredging pond (Attachment 3: Investigation Photographs).

On June 6, 2024, Mr. Ayala contacted Mr. Tommy Torres, Realtor for Riverwalk Porter, LLC, to discuss the new landowner's plans for the land that was previously a part of the Porter Plant site. Mr. Torres informed Mr. Ayala that Riverwalk Porter, LLC intends on using the land for recreational purposes such as hunting and camping.

CONCLUSION

As a result of the investigation, a berm breach was confirmed at the incident location. During the investigation, a breach was documented at a former APO dredging and process water pond that was last operated in 2020 and sold to a new owner in January 2024. The discharge from this pond has been granted enforcement discretion after review from the TCEQ. Neither a TCEQ Exit Interview Form nor TCEQ Letter was issued as a result of this investigation.

No Violations Associated to this Investigation

Citations include TAC or T. A. C. which stands for Texas Administrative Code

No or N. O. stands for Number and Pg or P. G. stands for page.

Req or R. E. Q. stands for requirements

Signature lines for Environmental Investigator and supervisor with dates

Signed

Oscar Ayala

Environmental Investigator

Date 08/26/2024

Signed

Kyle Linville

Supervisor

Date 08/26/2024

Checklist for different types of attachments

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) :

See list of attachments

List of Attached files

Attachments 1-3.pdf

**Texas Commission on Environmental Quality
Complaint Investigation**

**RE Name: Generic Incident Zip Code 77386
RN104045042**

**Conducted from April 26, 2024, to June 6, 2024
Investigation No.: 1976402**

LIST OF ATTACHMENTS

ATTACHMENT 1: Vicinity Map

ATTACHMENT 2: Montgomery Central Appraisal District Property Search

ATTACHMENT 3: Investigation Photographs

ATTACHMENT 1

Complaint Investigation

Generic Incident Zip Code 77386
RN104045042
Investigation No. 1976402

Legend

- 📍 Approximate location of northern breach
- 📍 Former southern side of Porter Plant
- 📍 Location of southern breach

Approximate location of northern breach

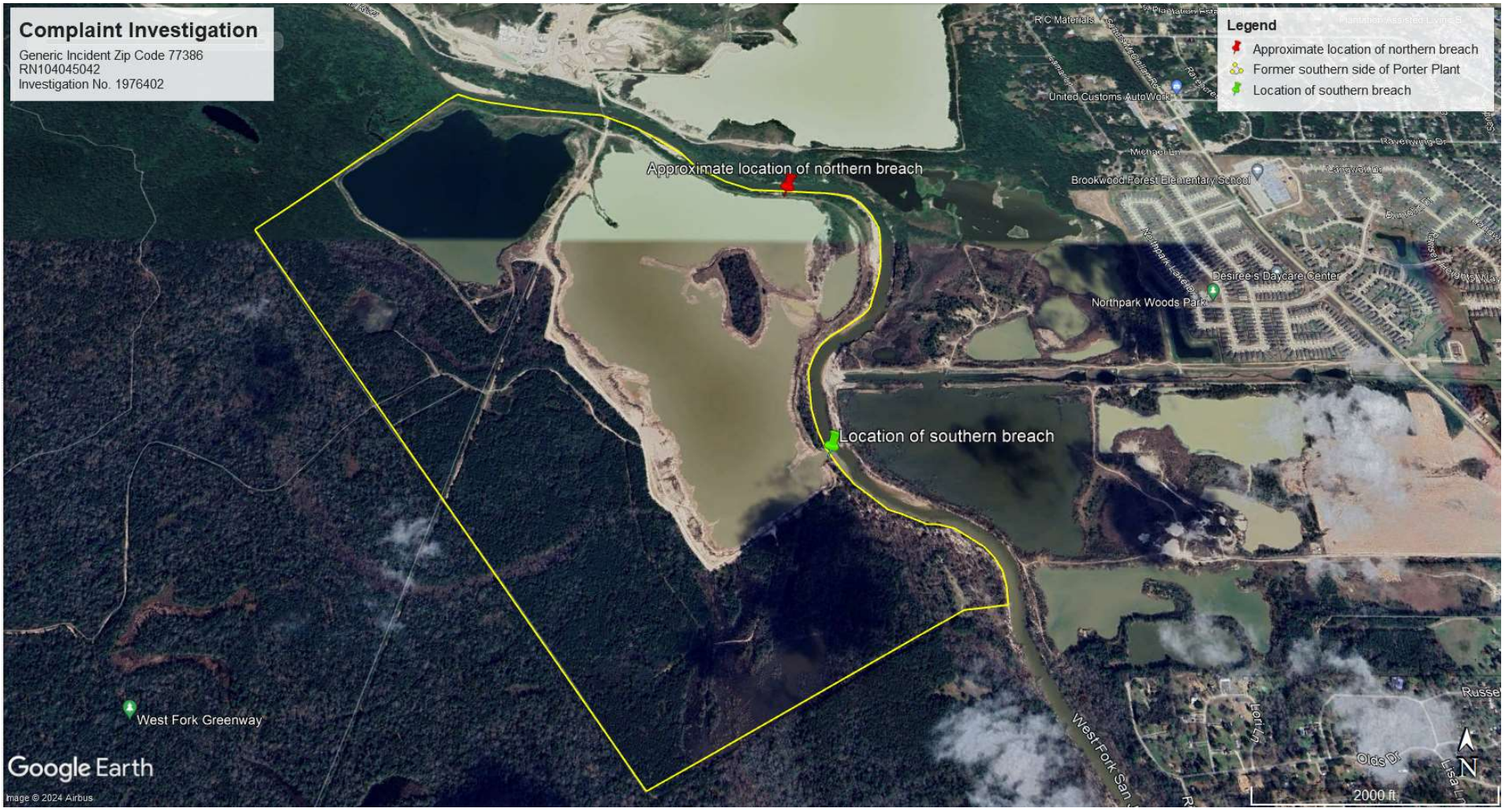
Location of southern breach

West Fork Greenway

Google Earth

Image © 2024 Airbus

2000 ft.



ATTACHMENT 2

GENERAL INFO

ACCOUNT

Property ID: 451401
 Geographic ID: 0418-00-00201
 Type: R
 Zoning:
 Agent: O'CONNOR & ASSOCIATES
 Legal Description: A0418 - Parker Jos A, TRACT 1-A, 2, 5-A (SAND PIT), ACRES 200

OWNER

Name: RIVERWALK PORTER LLC
 Secondary Name:
 Mailing Address: 14915 NORTH FWY HOUSTON TX USA 77090-6603
 Owner ID: 657792
 % Ownership: 100.00
 Exemptions:

Property Use:

LOCATION

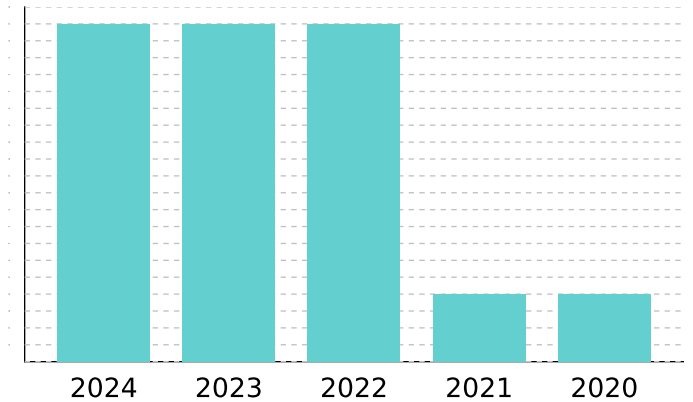
Address:
 Market Area:
 Market Area CD: Abst-A26B
 Map ID:
 Zoning:

VALUES

CURRENT VALUES

Land Homesite: \$0
 Land Non-Homesite: \$500,000
 Special Use Land Market: \$0
 Total Land: \$500,000
 Improvement Homesite: \$0
 Improvement Non-Homesite: \$0
 Total Improvement: \$0
 Market: \$500,000
 Special Use Exclusion (-): \$0
 Appraised: \$500,000
 Value Limitation Adjustment (-): \$0
 Net Appraised: \$500,000

VALUE HISTORY



Values for the current year are preliminary and are subject to change.

VALUE HISTORY

| Year | Land Market | Improvement | Special Use Exclusion | Appraised | Value Limitation Adj (-) | Net Appraised |
|------|-------------|-------------|-----------------------|-----------|--------------------------|---------------|
| 2024 | \$500,000 | \$0 | \$0 | \$500,000 | \$0 | \$500,000 |
| 2023 | \$500,000 | \$0 | \$0 | \$500,000 | \$0 | \$500,000 |
| 2022 | \$500,000 | \$0 | \$0 | \$500,000 | \$0 | \$500,000 |
| 2021 | \$100,000 | \$0 | \$0 | \$100,000 | \$0 | \$100,000 |
| 2020 | \$100,000 | \$0 | \$0 | \$100,000 | \$0 | \$100,000 |

TAXING UNITS

| Unit | Description | Tax Rate | Net Appraised | Taxable Value |
|------|-------------------|----------|---------------|---------------|
| GMO | Montgomery Cnty | 0.369600 | \$500,000 | \$500,000 |
| HM1 | Mont Co Hospital | 0.049800 | \$500,000 | \$500,000 |
| JNH | Lone Star College | 0.107600 | \$500,000 | \$500,000 |
| SCO | Conroe ISD | 0.962100 | \$500,000 | \$500,000 |

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

IMPROVEMENT

LAND

| Land | Description | Acres | SQFT | Cost per SQFT | Market Value | Special Use Value |
|------|------------------|----------|-----------|---------------|--------------|-------------------|
| A8 | Wasteland/fldway | 200.0000 | 8,712,000 | \$0.06 | \$500,000 | \$0 |

DEED HISTORY

| Deed Date | Type | Description | Grantor/Seller | Grantee/Buyer | Book ID | Volume | Page | Instrument |
|-----------|------|-------------|-----------------------|-------------------------|---------|--------|------|-------------|
| 1/23/24 | WDV | W/d & V/ln | JR DEVELOPMENT INC | RIVERWALK PORTER LLC | | | | 2024007204, |

ATTACHMENT 3



Photo No. 1: During the overflight conducted on May 28, 2024, it was noted that the West Fork San Jacinto River rerouted to the former APO dredging pit south of the Porter Plant site. GPS Coordinates (30° 4'39.29"N, 95°17'2.40"W).

Direction: Northeast



Photo No. 2: Sediment accumulations were noted at the West Fork San Jacinto River which appeared to have rerouted the river into the former APO dredging pit.

Direction: North



Photo No. 3:
Sediment accumulations were noted at the West Fork San Jacinto River which appeared to have rerouted the river into the former APO dredging pit.

Direction: West



Photo No. 4: A portion of the berm at the southeastern part of the former APO dredging pit has eroded. The West Fork San Jacinto River flows out of the former APO dredging pit from this point. GPS Coordinates (30° 4'9.72"N, 95°16'58.32"W).

Direction: Southeast