

Texas Commission on Environmental Quality

Investigation Report

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Customer: RGI MATERIALS, INC.

Customer Number: CN603171455

Regulated Entity Name: PORTER PLANT

Regulated Entity Number: RN105195127

Investigation # 2047649

Incident Numbers

Incident 436,858

Incident 436,856

Incident 438,713

Incident 438,714

Investigator: OSCAR AYALA

Site Classification MULTISECTOR GENERAL PERMIT
FOR INDUSTRIAL WW

Site Classification AGGREGATE PRODUCTION
OPERATION REGISTRATION

Supervisor: KADRIENN WOODARD **Approved Date:** 09-09-2025

Conducted: 02/26/2025 -- 02/27/2025

SIC Code: 1442

SIC Code: 3272

Program: AGGREGATE PRODUCTION OPERATION

Program: STORMWATER

Investigation Type : Compliance Investigation

Location :

Additional ID AP0001605

Additional ID TXR05U571

Address: 18185 HILL RD; **City** PORTER, **State** TX **Zip** 77365

Local Unit : REGION 12 - HOUSTON

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

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

Principal(s):

Role RESPONDENT

Name RGI MATERIALS INC

Contact(s):

Role	PARTICIPATED IN	Name	MR Larry Winzer
Title	SUPERINTENDENT HARDIN PLANT		
			Phone Number for Office is (936) 391-1283 End of record for this contac
Role	PARTICIPATED IN	Name	MR Wade Carroll
Title	SALES MANAGER		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	PARTICIPATED IN	Name	MR Ricky Gayton
Title	PLANT MANAGER		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	REGULATED ENTITY MAIL CONTACT	Name	MR Karl Rasmussen
Title	SR. FINANCIAL ANALYST		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	PARTICIPATED IN	Name	MR Karl Rasmussen
Title	SR. FINANCIAL ANALYST		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	REGULATED ENTITY CONTACT	Name	MR Wade Carroll
Title	SALES MANAGER		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	REGULATED ENTITY CONTACT	Name	MR Ricky Gayton
Title	PLANT MANAGER		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	REGULATED ENTITY CONTACT	Name	MR Karl Rasmussen
Title	SR. FINANCIAL ANALYST		
			Phone Number for Office is (281) 354-2215 End of record for this contac
Role	NOV CONTACT	Name	MR Karl Rasmussen
Title	SR. FINANCIAL ANALYST		
			Phone Number for Office is (281) 354-2215 End of record for this contac

Other Staff Member(s):

Role	Supervisor	Name	WESTIN MASSEY
Role	Investigator	Name	VARODOM PRADIDSARN
Role	QA Reviewer	Name	WESLEY SMITH
Role	Supervisor	Name	KADRIENN WOODARD
Role	Supervisor	Name	KYLE LINVILLE
Role	Supervisor	Name	NICHOLE NUNES
Role	Investigator	Name	RICHARD SOUAYED

Associated Check List

<u>Checklist Name</u>	WATER EQUIPMENT
<u>Unit Name</u>	Equipment
<u>Checklist Name</u>	WQ COMPLAINT INVESTIGATION
<u>Unit Name</u>	Complaint

Investigation Comments:**INTRODUCTION**

On February 23, 2025, and February 25, 2025, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received two complaints (Incident Nos. 436856 and 436858) alleging an unauthorized discharge. On March 19, 2025, the TCEQ Houston Region Office received two additional complaints (Incidents Nos. 438713 and 438714) alleging concerns regarding a sand mining facility. The alleged complaints are located at 18185 Hill Road, Porter (Montgomery County), Texas 77365 (Attachment 1: Vicinity Map). An Aggregate Production Operation (APO) Complaint Investigation was conducted to determine compliance with applicable regulations.

An investigation was conducted at the incident location on February 26, 2025, by Mr. Oscar Ayala, Environmental Investigator with the TCEQ Houston Region Office, and on February 27, 2025, by Mr. Ayala, Mr. Richard Souayed, and Mr. Varodom Pradidsarn, Environmental Investigators with the TCEQ Houston Region Office. The investigation was conducted as a result of a complaint; therefore, no notification of the investigation was given to the facility.

A TCEQ Exit Interview was emailed to Mr. Ricky Gayton, Plant Manager with RGI Materials, Inc., on March 7, 2025, explaining the results of the investigation (Attachment 2: TCEQ Exit Interview sent on March 7, 2025). Based on the findings of the investigation, a Notice of Violation (NOV) letter was issued to facilitate compliance. 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. Four previous APO investigations were conducted within the five years preceding this investigation.

Investigation No. 1699619 was conducted on January 4, 2021. No issues were noted.

Investigation No. 1722479 was conducted on May 4, 2021. One alleged violation was noted and resolved. A NOE letter was issued and resulted in TCEQ Docket No. 2021-0960-WQ-E.

Investigation No. 1938346 was conducted on November 6, 2023. No issues were noted.

Investigation No. 1987802 was conducted from April 26, 2024, to June 6, 2024. One alleged violation was noted and resolved.

GENERAL FACILITY AND PROCESS INFORMATION

Porter Plant is located at 18185 Hill Road, Porter (Montgomery County), Texas 77365 (Attachment 1: Vicinity Map). Porter Plant is a 1482-acre sand mining operation that produces sand for construction use. The site is operated by RGI Materials, Inc. Porter Plant is located in the San Jacinto Watershed and must meet the requirements of 30 TAC Chapter 311.103.

The facility's primary industrial activity is classified as Standard Industrial Classification (SIC) Code 1442 - Construction Sand and Gravel. A facility that obtains a SIC code 1442 is primarily engaged in operating sand

and gravel pits and dredges, and in washing, screening, or otherwise preparing sand for construction purposes. Porter Plant obtained authorization to discharge stormwater under Sector J of the Multi Sector General Permit (MSGP) on October 12, 2006 (Authorization Number No. TXR05U571) (Attachment 3: Permit and Registration Information).

Sector J 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.

Additionally, this facility is an APO and is required to obtain an APO registration. APO Registration No. APO001605 was obtained on November 30, 2015 (Attachment 3: Permit and Registration Information).

Storm water from this site flows to the West Fork San Jacinto River, Stream Segment No. 1004, of the San Jacinto River Basin.

COMPLAINT INVESTIGATION DESCRIPTION

On February 26, 2025, Mr. Ayala arrived at the incident location. Upon arrival, Mr. Ayala met with Mr. Gayton to discuss the purpose and the scope of the investigation. After the opening conference, Mr. Ayala conducted a review of the site's Storm Water Pollution Prevention Plan (SWP3) and Mine Plan. During the review, Mr. Ayala noted that the site did not have weekly inspection reports for its structural controls. Mr. Ayala asked Mr. Gayton when the most recent inspection for the site's eastern process water pond was. Mr. Gayton told the investigator that the site personnel had not inspected the eastern process water pond for at least three months because the berms were too muddy to travel safely. This issue will be further discussed in the Additional Information and Summary of Investigation Findings section of this report.

After reviewing the site's documentation, Mr. Ayala and Mr. Gayton attempted to conduct a perimeter walk of the site's eastern process water pond by traveling south from approximate GPS Coordinates (30.087757, -95.277521). While attempting to conduct the perimeter walk onsite, Mr. Ayala met with Mr. Wade Carroll, Sales Manager with RGI Materials, Inc., and Mr. Karl Rasmussen, Sr. Financial Analyst with RGI Materials, Inc., to discuss the purpose and the scope of the investigation. After the discussion with Mr. Carroll and Mr. Rasmussen, Mr. Ayala and Mr. Gayton traveled further south but was not able to complete the perimeter walk because the path was inundated with process water (Attachment 4: Investigation Photographs; Photos 1-3). Afterwards, Mr. Ayala and Mr. Gayton attempted to gain access to the facility's eastern perimeter by traveling southeast from approximate GPS Coordinates (30.081415, -95.290132) but were not able to complete the perimeter walk and gain access to the facility's eastern most eastern berms because of the berms had not been maintained to allow for vehicle or personnel travel (Attachment 4: Investigation Photographs; Photos 4-5). When prompted about the accessibility concerns, the facility personnel indicated that they would repair the berms so that the eastern process water pond could be accessed and inspected. Mr. Ayala indicated that he would leave the site and return once the berms were repaired for accessibility.

Mr. Ayala left the facility and obtained access to the east side of the site's eastern process water pond via an alternative route. While at the eastern process water pond, Mr. Ayala documented a berm breach at approximate GPS coordinates (30.081957, -95.278068) with process water discharging to the south and southeast. Mr. Ayala traveled about 1000 feet south of the berm breach to the southeastern side of the site and noted that the process water discharge was flowing southeast away from the boundaries of the site (Attachment 4: Investigation Photographs; Photos 7-13). Mr. Ayala followed the process water discharge and recorded the discharge flowing towards an offsite pond to the southeast of the site. At the time of the investigation, the process water discharge covered an estimated 5.36 acres between the berm breach and the offsite pond (Attachment 1: Vicinity Map). At the time of the investigation, the process water discharge appeared opaque tan in color and was commingling with the off-site pond (Attachment 4: Investigation Photographs; Photos 14-15).

At the time of the investigation, the offsite pond appeared opaque tan in color. The commingled water from the offsite pond flowed west towards the West Fork San Jacinto River (Attachment 4: Investigation Photographs; Photos 16-20). The discharge was noted entering the San Jacinto River channel. During the investigation conducted on February 26, 2025, the investigator collected five water samples from the process water discharge onsite and offsite. This will be further discussed in the Sampling Activities & Results section of this report.

Mr. Ayala informed the facility that the discharge of process water is not authorized under the MSGP. Mr. Gayton claimed that the opaque appearance of the off-site pond was from the cleared land to the southeast of

the Porter Plant site and not the process water discharge originating from the Porter Plant facility. Mr. Gayton also informed the investigator that the site's responsible authority contact that was on the site's Notice of Intent (NOI) was no longer employed with RGI Materials, Inc. These issues will be further discussed in the Additional Information and Summary of Investigation Findings sections of this report.

On February 27, 2025, Mr. Ayala, Mr. Souayed, and Mr. Pradidsarn arrived at the cleared land southeast of the Porter Plant site at approximate GPS Coordinates (30.077735, -95.27346) to confirm site conditions. At the time of the investigation, no process water nor stormwater discharges originated from the cleared land at approximate GPS Coordinates (30.077735, -95.27346) (Attachment 4: Investigation Photographs; Photos 21-24). The investigators then traveled to the offsite pond southeast of the Porter Plant site to collect three additional water samples (Attachment 4: Investigation Photographs; Photos 25-28). Afterwards, the investigators traveled to a stormwater ditch then traveled west towards the West Fork San Jacinto River. A water sample was collected at the stormwater ditch at approximate GPS coordinates (30.071908, -95.277312) (Attachment 4: Investigation Photographs; Photos 29-30). The investigators then arrived at the location where the stormwater ditch discharge meets the West Fork San Jacinto River. A water sample was collected at the West Fork San Jacinto at approximate GPS coordinates (30.071085, -95.283118) (Attachment 4: Investigation Photographs; Photos 31-36). This will be further discussed in the Sampling Activities & Results section of this report.

After collecting the water samples, the investigators arrived at the Porter Plant site to further review of the site's SWP3 and Mine Plan documentation. While conducting the review, Mr. Ayala noted that the site did not have the annual comprehensive site compliance evaluation report for 2024 (Attachment 4: Investigation Photographs; Photos 37-41). This issue will be further discussed in the Additional Information section of this report.

Following the review of the site's SWP3 and Mine Plan, the investigators met with Mr. Larry Winzer, Superintendent Hardin Plant with RGI Materials, Inc. to discuss the purpose and the scope of the investigation. After the opening conference, Mr. Winzer escorted the investigators around the facility. While onsite, Mr. Winzer explained to the investigators that the site has a wet aggregate processing area which generates process water. The process water would travel to the east into the site's eastern process water pond. There are pumps at the site's eastern process water pond that pumps the process water back into the processing area to help sort aggregates (Attachment 4: Investigation Photographs; Photos 42-48).

After the tour of the site, Mr. Winzer escorted the investigators to the site's eastern berm at approximate GPS coordinates (30.081957, -95.278068). Mr. Ayala noted that the eastern berm was repaired and that the discharge of process water has ceased (Attachment 4: Investigation Photographs; Photos 49-51). Thus, the alleged violations for failure to prevent the unauthorized discharge of process water and failure to maintain structural controls have been resolved.

SAMPLING ACTIVITIES & RESULTS

On February 26, 2025, Mr. Ayala collected five surface water samples (samples 1-5) (Attachment 1: Vicinity Map).

Sample 1 was collected at the berm breach at approximate GPS coordinates (30.08193, -95.277473) and stored in ice. The sample (Chain of Custody (COC) W015314-01) was collected at 14:45 for Total Suspended Solids (TSS) and Total Dissolved Solids (TDS).

Sample 2 was collected at the process water discharge route about 150 feet southeast from the location where Sample 1 was collected. The sample (COC W015314-02) was collected at 15:04 for TSS and TDS.

Sample 3 was collected at the southeastern part of the site about 920 feet south from the location where Sample 2 was collected. The sample (COC W015314-03) was collected at 15:16 for TSS and TDS.

Sample 4 was collected offsite about 200 feet north of the offsite pond. The sample (COC W015314-04) was collected at 15:41 for TSS and TDS.

Sample 5 was collected at approximate GPS Coordinates (30.077717, -95.281719). The sample (COC W015314-05) was collected at 16:31 for TSS and TDS.

On February 27, 2025, Mr. Ayala collected an additional five surface water samples (samples 6-10) (Attachment 1: Vicinity Map).

Sample 6 was collected where the process water discharge meets the offsite pond at approximate GPS Coordinates (30.077825, -95.275967). The sample (COC W015314-06) was collected at 11:28 for TSS and TDS.

Sample 7 was collected at approximate GPS Coordinates (30.076808, -95.274833). The sample (COC W015314-07) was collected at 11:36 for TSS and TDS.

Sample 8 was collected at approximate GPS Coordinates (30.075756, -95.273542). The sample (COC W015314-08) was collected at 11:47 for TSS and TDS.

Sample 9 was collected at a stormwater ditch at approximate GPS coordinates (30.071908, -95.277312). The sample (COC W015675-01) was collected at 12:08 for TSS and TDS.

Sample 10 was collected where the water from the offsite pond meets the West Fork San Jacinto at approximate GPS coordinates (30.071085, -95.283118). The sample (COC W015675-02) was collected at 12:27 for TSS and TDS.

On March 7, 2025, the laboratory sample results from A&B Labs were emailed to Mr. Ayala (Attachment 5: Lab Report and Sample Result Table).

ADDITIONAL INFORMATION

According to the Texas Water Code Chapter 26.121(a)(2), except as authorized by the commission, no person may discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state. At the time of the investigation, it was noted that process wastewater was discharging from the site to a pond off-site. Thus, an alleged violation was cited for failure to prevent the unauthorized discharge of process water.

As stated in 30 TAC Chapter 311.103(b), the operator shall develop and implement all structural BMPs identified in the guidance document developed by the executive director for the appropriate phases of the sand mining facility's operation. At the time of the investigation, the site's berms were not properly maintained. Therefore, an alleged violation was cited for failure to maintain structural controls.

As stated in the MSGP Part II, Section C.6, "If the operator becomes aware of the following occurred, then correct information must be provided to the executive director in a notice of change (NOC) within 14 days after discovery: (1) Relevant information provided on the NOI or NEC has changed." During the investigation, the investigator was notified that the responsible authority contact documented in the site most recently submitted NOI was no longer employed with RGI Materials, Inc. Therefore, an alleged violation for failure to submit a NOC when relevant information provided in the NOI changes. On March 13, 2025, Mr. Rasmussen, emailed compliance documentation to the TCEQ Houston Region. The documentation indicated that a NOC was submitted to update the responsible authority contact information of the site's MSGP NOI (Attachment 6: Correspondence received on March 13, 2025). Thus, the violation for failure to submit a NOC when relevant information provided in the NOI changes was resolved.

Based on the requirements of the MSGP Part III, Section B.5, the comprehensive site compliance inspection must be conducted at least once each permit year. At the time of the investigation, the site did not appear to have the annual comprehensive compliance inspection report for 2024 in their onsite SWP3. Subsequently, an alleged violation was cited for failure to conduct the annual comprehensive compliance evaluation. On March 13, 2025, Mr. Rasmussen, emailed compliance documentation to the TCEQ Houston Region which indicated that the annual comprehensive compliance evaluation was conducted at the site in November 2024 (Attachment 6: Correspondence received on March 13, 2025). On April 23, 2025, Mr. Ayala contacted Mr. Carroll to inform him that the TCEQ will not issue the violation for failure to conduct the annual comprehensive site compliance evaluation.

According to 30 TAC §305.125(9) and the MSGP Part III, Section E.6(b), any non-compliance that may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ regional office and to the TCEQ Enforcement Division. At the time of the investigation, no written notification was submitted to the TCEQ. Therefore, an alleged violation was cited for failure to submit a non-compliance notification. On April 3, 2025, Mr. Carroll submitted a written non-compliance notification to the TCEQ Houston Region Office (Attachment 7: Correspondence received on April 3, 2025).

Subsequently, on April 23, 2025, Ms. Danielle Clements, TCEQ Acting Team Leader for Enforcement Team 7, emailed documentation to the TCEQ Houston Region indicating that the TCEQ Enforcement Division received the written non-compliance notification on April 8, 2025 (Attachment 8: Documentation received on April 23, 2025). Thus, the violation for failure to submit a non-compliance notification was resolved.

Based on the requirements of 30 TAC §311.103(b) and 30 TAC §311.103(j), operators must inspect all structural controls to ensure that they are installed properly, appear to be operational, and minimize pollutants in discharges, as intended. In addition, all documentation related to compliance with 30 TAC §311.103 must be maintained onsite and made readily available for inspection and review upon request by authorized executive director staff as well as local pollution control entities with jurisdiction. During the investigation, Mr. Ayala requested weekly inspection reports for the site's structural controls. No inspection reports were not provided. Therefore, an alleged violation was cited for failure to inspect structural controls once every seven calendar days. On April 3, 2025, Mr. Carroll provided weekly inspection reports for the site's structural controls, via email (Attachment 7: Correspondence received on April 3, 2025). Thus, the violation for failure to inspect structural controls every seven calendar days was resolved.

On April 2, 2025, Mr. Carroll submitted a response to the TCEQ Exit Interview, via email. The response contained the responsible party's comments for each of the alleged violations cited in the TCEQ Exit Interview (Attachment 9: Correspondence received on April 2, 2025). On April 24, 2025, Mr. Carroll provided correspondence via email indicating that SWP3 and Mine Plan training was conducted on April 23, 2025 (Attachment 10: Correspondence received on April 24, 2025). On June 17, 2025, Mr. Carroll submitted correspondence via email with photograph attachments. The correspondence indicated that RGI Materials, Inc is maintaining the site's berms (Attachment 11: Correspondence received on June 17, 2025).

CONCLUSION

The allegation of an unauthorized discharge was confirmed. As a result of the investigation, five alleged violations were noted and resolved:

- Failure to prevent the unauthorized discharge of process water.
- Failure to maintain structural controls.
- Failure to submit a NOC when relevant information provided in the NOI changes.
- Failure to inspect structural controls every seven calendar days.
- Failure to submit a non-compliance notification.

<u>Notice of Violation Dat</u>	09/09/2025	<u>Method</u>	WRITTEN
ALLEGED VIOLATION(S) NOTED AND RESOLVED			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 911418

Resolution Status Date: 6/23/2025

Violation Start Date: Unknown

Violation End Date: 2/27/2025

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

Citation TWC Chapter 26.121

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

Req or R. E. Q. stands for requirements

Alleged Violation:

Investigation number: 2047649

Comment Date: 6/23/2025

Failure to prevent the unauthorized discharge of process water.

Specifically, during the investigation it was noted that process water was discharging offsite from the site's eastern pond which ultimately discharged into the West Fork San Jacinto River.

According to the Texas Water Code Chapter 26.121(a)(2), except as authorized by the commission, no person may discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state.

Recommended Corrective Action: Documentation must be submitted to the TCEQ Houston Region Office indicating that the unauthorized discharge of process water has ceased at the Porter Plant site.

Resolution: On February 27, 2025, the investigator had noted while onsite that the Porter Plant site had ceased the unauthorized discharge of process water.

Track Number: 911425

Resolution Status Date: 3/13/2025

Violation Start Date: Unknown

Violation End Date: 2/27/2025

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

Citation 30 TAC Chapter 311.103(b)

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

Req or R. E. Q. stands for requirements

Alleged Violation:

Investigation number: 2047649

Comment Date: 3/3/2025

Failure to maintain structural controls.

At the time of the investigation, the berm of the site's eastern pond was not maintained to prevent the discharge of process water.

Recommended Corrective Action: Documentation must be submitted to the TCEQ Houston Region Office indicating that the berm of the site's eastern pond is being maintained.

Resolution: On February 27, 2025, the investigator had noted while onsite that the Porter Plant site had repaired the berm of its eastern pond.

Track Number: 911426

Resolution Status Date: 4/23/2025

Violation Start Date: Unknown

Violation End Date: 4/3/2025

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

Citation 30 TAC Chapter 311.103(b)

Citation 30 TAC Chapter 311.103(j)

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

Req or R. E. Q. stands for requirements

Alleged Violation:

Investigation number: 2047649

Comment Date: 3/3/2025

Failure to inspect structural controls once every seven calendar days.

During the investigation, the investigator requested the regulated entity to provide the inspection reports for the site's structural controls. No weekly inspection reports were provided.

Recommended Corrective Action: Documentation must be submitted to the TCEQ indicating that the site is inspecting their structural controls every seven calendar days.

Resolution: On April 3, 2025, documentation was submitted to the TCEQ indicating that the site is inspecting their structural controls every seven calendar days.

Track Number: 911429

Resolution Status Date: 5/6/2025

Violation Start Date: Unknown

Violation End Date: 4/8/2025

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

Citation 30 TAC Chapter 281.25(a)(4)

Citation 30 TAC Chapter 305.125(9)

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

Req or R. E. Q. stands for requirements

PERMIT TXR05U571, Part III. Section E.b

Alleged Violation:

Investigation number: 2047649

Comment Date: 3/3/2025

Failure to submit a non-compliance notification.

Specifically, the regulated entity had not submitted a Water Quality Noncompliance Notification to the TCEQ within five days of becoming aware of the noncompliance.

Recommended Corrective Action: A written submission of the noncompliance must be submitted to the TCEQ Enforcement Division (MC-224) and the TCEQ Houston Region Office.

Resolution: On April 3, 2025, and April 23, 2025, documentation was submitted to the TCEQ Houston Region office indicating that a written submission of noncompliance was submitted to the TCEQ Enforcement Division (MC-224) and the TCEQ Houston Region Office.

Track Number: 911906

Resolution Status Date: 5/6/2025

Violation Start Date: Unknown

Violation End Date: 3/12/2025

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

Citation 30 TAC Chapter 281.25(a)(4)

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

Req or R. E. Q. stands for requirements

PERMIT TXR05CM29, Part II. Section C.6

Alleged Violation:

Investigation number: 2047649

Comment Date: 3/7/2025

Failure to submit a Notice of Change (NOC) when relevant information provided in the Notice of Intent (NOI) changes.

The NOI for TPDES Permit No. TXR05U571 indicated that Mr. Jacob McCurry is the responsible authority contact. At the time of the investigation, the investigator was notified by the regulated entity that Mr. McCurry was no longer the responsible authority contact.

Recommended Corrective Action: Documentation must be submitted to the TCEQ indicating that a NOC was submitted for the change of the regulated entity's responsible authority contact.

Resolution: On March 13, 2025, documentation was submitted to the TCEQ Houston Region indicating that the site submitted a NOC on March 12, 2025, to update the regulated entity's responsible authority contact.

Checklist for different types of attachments

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)
☒ Letter to Facility (specify type) : NOV
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 1-11.pdf

**Texas Commission on Environmental Quality
Complaint Investigation
RE Name: Porter Plant
RN105195127
Conducted on February 26, 2025, and February 27, 2025
Investigation No.: 2047649**

LIST OF ATTACHMENTS

ATTACHMENT 1: Vicinity Map

ATTACHMENT 2: TCEQ Exit Interview sent on March 7, 2025

ATTACHMENT 3: Permit and Registration Information

ATTACHMENT 4: Investigation Photographs

ATTACHMENT 5: Lab Report and Sample Result Table

ATTACHMENT 6: Correspondence received on March 13, 2025

ATTACHMENT 7: Correspondence received on April 3, 2025

ATTACHMENT 8: Documentation received on April 23, 2025

ATTACHMENT 9: Correspondence received on April 2, 2025

ATTACHMENT 10: Correspondence received on April 24, 2025

ATTACHMENT 11: Documentation received on June 17, 2025

ATTACHMENT 1













ATTACHMENT 2

Oscar Ayala

From: Oscar Ayala
Sent: Friday, March 7, 2025 3:39 PM
To: [REDACTED]
Subject: RE: TCEQ Exit Interview - Porter Plant
Attachments: TCEQ Exit Interview - Porter Plant.pdf

Ricky,

Please see the email below.

Regards,



Oscar Ayala

Environmental Investigator III
Region 12 • Water Section
5425 Polk Ave • Suite H • Houston TX
77023
Phone: 713-767-3663

From: Oscar Ayala <Oscar.Ayala@tceq.texas.gov>
Sent: Friday, March 7, 2025 2:34 PM
To: [REDACTED]
Subject: TCEQ Exit Interview - Porter Plant

Good afternoon, Ricky,

The following are being provided as attachments to this email:

- TCEQ Exit Interview Form – Porter Plant
- TCEQ Customer Satisfaction Survey: <https://www.tceq.texas.gov/customersurvey>
- The TCEQ Has Inspected Your Business – Publication RG-344:
https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-344.pdf

If you need technical assistance, please contact Ms. Rebecca Costigan, Environmental Compliance Specialist with the TCEQ Small Business and Local Government Assistance (SBLGA) program at (512) 239-7003 or rebecca.costigan@tceq.texas.gov. You could also contact the SBLGA program at (800) 447-2827.

The TCEQ Exit Interview Form – Porter Plant, is being provided as an attachment to this email to ensure that the issues are communicated regarding the compliance evaluation investigation conducted on February 26, 2025, and February 27, 2025, at the Porter Plant (RN105195127) site. Please note that the facility is still under investigation and changes can still be made. If there are any questions about the information contained in the form, contact me as soon as possible.

Regards,



Oscar Ayala

Environmental Investigator III
Region 12 • Water Section
5425 Polk Ave • Suite H • Houston TX
77023
Phone: **713-767-3663**

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Request

Regulated Entity/Site Name	Porter Plant			TCEQ Add. ID No. RN No (optional)	TXR05U571 RN105195127	
Investigation Type	Complaint	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Compliance	
Regulated Entity Contact	Ricky Gayton			Telephone No.	281-354-2215	Date Contacted 03/07/25
Title	Plant Manager			FAX #/Email address	<div style="background-color: black; width: 100px; height: 20px;"></div>	FAX/Email date 03/07/25

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation-report.

Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	PV	TWC 26.121	Failure to prevent the unauthorized discharge of process water. Specifically, during the investigation it was noted that process water was discharging from the site's eastern pond which traveled offsite to the south.
2	PV	30 TAC 311.103(b)	Failure to maintain structural controls. At the time of the investigation, the berm of the site's eastern pond was not maintained to prevent the discharge of process water.
3	PV	30 TAC 311.103(b); 30 TAC 311.103(j)	Failure to inspect structural controls once every seven calendar days. During the investigation, the investigator requested the regulated entity to provide the inspection reports for the site's structural controls. No weekly inspection reports were provided.
4	PV	30 TAC 305.125(1); 30 TAC 305.125(9)	Failure to submit a non-compliance notification. Specifically, the regulated entity had not submitted a Water Quality Noncompliance Notification to the TCEQ within five days of becoming aware of the noncompliance.
5	PV	30 TAC 305.125(1); TXR050000 Part II Section C.6	Failure to submit a Notice of Change (NOC) when relevant information provided in a Notice of Intent (NOI) changes. The NOI for TPDES Permit No. TXR05U571 indicated that Mr. Jacob McCurry is the responsible authority contact. At the time of the investigation, the investigator was notified by the regulated entity that Mr. McCurry was no longer the responsible authority contact.
6	PV	30 TAC 305.125(1); TXR050000 Part III Section B.5	Failure to conduct the annual comprehensive site compliance evaluation. At the time of the investigation, the investigator conducted a review of the site's onsite Storm Water Pollution Prevention Plan (SWPPP). During the review the investigator noted that there was no annual comprehensive site compliance evaluation for 2024.

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (RE) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, the document will be sent via FAX or Email to RE; therefore, the RE signature is not required.

<i>Oscar Ayala</i> Oscar Ayala	03/07/25		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512/239-3282.

White Copy: Regulated Entity Representative

Yellow Copy: TCEQ

TCEQ 20085 (4/08)

(Note: use additional pages as necessary) Page ____ of ____

ATTACHMENT 3

Water Quality General Permits Search

Summary of Authorization TXR05U571

Permit Number: TXR05U571
Authorization Status: ACTIVE
Date Coverage Began: 10/12/2006
Date Coverage Ended:

Authorization Details

Site Name on Permit: PORTER PLANT
Authorization Type: INDUSTRIAL
Primary SIC Code: 1442
ELG : PART 436 SUBPART C
Facility Operational Status : ACTIVE
Hazardous Metals Waiver : YES
Sector : J
Outfall Number : 001
 POLLUTANTS OF CONCERN - BACTERIA IN FRESHWATER
 SEGMENT NUMBER - 1004
 RECEIVING WATER BODY - WEST FORK SAN JACINTO RIVER
 OUTFALL LATITUDE - 30.080917
 OUTFALL LONGITUDE - (-95.290236)
 DISCHARGE TO MARINE OR FRESH - FRESH WATER
Outfall Number : 002
 POLLUTANTS OF CONCERN - BACTERIA IN FRESHWATER
 SEGMENT NUMBER - 1004
 RECEIVING WATER BODY - WEST FORK SAN JACINTO RIVER
 OUTFALL LATITUDE - 30.080372
 OUTFALL LONGITUDE - (-95.289992)
 DISCHARGE TO MARINE OR FRESH - FRESH WATER

Permittee Information

Operator: CN603171455 - RGI MATERIALS, INC.
Address: PO BOX 329 PORTER TX 77365 0329
Annual Fee Billing Address: JACOB MCCURRY
 PO BOX 329 PORTER TX 77365 0329

Permitted Site Information

RN: RN105195127
RE Name: PORTER PLANT
Site Location: 18185 HILL RD PORTER TX 77365
County: MONTGOMERY
TCEQ Region: REGION 12 - HOUSTON
Latitude: 30.09278
Longitude: -95.26667

Regulated Entity Site Information





RE Name: PORTER PLANT
Site Location: 18185 HILL RD PORTER TX 77365
County: MONTGOMERY
TCEQ Region: REGION 12 - HOUSTON
Latitude: 30.09278
Longitude: -95.26667

Application History for this Authorization

Application Type	Status	Received Date	Final Action Date
NOTICE OF INTENT	APPROVED	10/12/2006	02/28/2007
NOI-RENEWAL	APPROVED	11/08/2011	01/30/2012
NOI-RENEWAL	APPROVED	10/26/2016	03/31/2017
NOTICE OF CHANGE	APPROVED	09/20/2019	09/27/2019

NOTICE OF CHANGE	APPROVED	11/25/2019	11/25/2019
NOI-RENEWAL	APPROVED	10/29/2021	10/29/2021

APO Registration Details**Summary of Authorization AP0001605**

Registration Number  : AP0001605
Authorization Status  : ACTIVE
Initial Site Registration Date  : 11/30/2015
Expiration Date  : 10/29/2025

Authorization Details

Site Name on Registration: PORTER PLANT
Authorization Type: AGGREGATE EXTRACTION
Primary SIC Code: 1442
Area Disturbed (In Acres) : 1482
Map Approved : YES
Material Type : GRAVEL
Material Type : SAND

Registrant Information

Responsible Party: CN603171455 - RGI MATERIALS, INC.
Address: PO BOX 329 PORTER TX 77365 0329

AI Information

AI: AP0001605
AI Name: PORTER PLANT
AI Location: 18185 HILL RD PORTER TX 77365
County: MONTGOMERY
TCEQ Region: REGION 12 - HOUSTON
Latitude: 30.078055
Longitude: -95.2825

Regulated Entity Site Information

RN: RN105195127
RE Name: PORTER PLANT
RE Location: 18185 HILL RD PORTER TX 77365
County: MONTGOMERY
TCEQ Region: REGION 12 - HOUSTON
Latitude: 30.09278
Longitude: -95.26667

Expired Information

Expired	Expired Start Date	Expired End Date
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Application History for this Authorization

Application Type 	Application Status 	Application Received Date 	Application Expiration Date 	Application Final Action Date 
NEW	APPROVED	11/02/2015	10/29/2016	11/30/2015
RENEWAL	APPROVED	10/18/2016	10/29/2017	11/16/2016
RENEWAL	APPROVED	10/30/2017	10/29/2018	11/06/2017
RENEWAL	APPROVED	10/29/2018	10/29/2019	10/29/2018
RENEWAL	APPROVED	10/09/2019	10/29/2020	10/09/2019
RENEWAL	APPROVED	10/19/2020	10/29/2021	10/19/2020
RENEWAL	APPROVED	10/07/2021	10/29/2022	10/07/2021
RENEWAL	APPROVED	09/30/2022	10/29/2023	10/03/2022
RENEWAL	APPROVED	10/02/2023	10/29/2024	10/02/2023
RENEWAL	APPROVED	10/17/2024	10/29/2025	10/22/2024

ATTACHMENT 4



Photo No. 1: At the time of the investigation, the investigator traveled south from approximate GPS Coordinates (30.087757, -95.277521) to conduct a perimeter walk of the site's eastern process water pond. A portion of the path was inundated with process water.

Direction: South



Photo No. 2: A portion of the path to the site's eastern process water pond was inundated with process water.

Direction: Southeast



Photo No. 3: A portion of the path to the site's eastern process water pond was inundated with process water.

Direction: Southwest



Photo No. 4: At the southern berm of the site's eastern process water pond. A perimeter walk could not be completed because the berms were not maintained to allow for vehicle or personnel travel.

Direction: Southeast



Photo No. 5: At the southern berm of the site's eastern process water pond. A perimeter walk could not be completed because the berms had not been maintained to allow for vehicle or personnel travel.

Direction: Southeast



Photo No. 6: The eastern berm of the site's eastern process water pond.

Direction: Southwest



Photo No. 7: At the time of the investigation, a breach was noted at the site's eastern process water pond.

Direction: West



Photo No. 8: The process water discharge traveled across the berm toward the tree vegetation to the east and south.

Direction: South



Photo No. 9: The process water discharge at approximate GPS Coordinates (30.081953, -95.278064). Sample 1 was collected from this location.

Direction: South



Photo No. 10: After flowing into the tree vegetation east of the berm, the process water flows south along the edge of the berm.

Direction: East



Photo No. 11:
Approximate GPS
Coordinates
(30.081744, -
95.277647). Sample 2
was collected from this
location.

Direction: Northeast



Photo No. 12: At the
southeastern part of the
site, the process water
pooled into a wider
area.

Direction: Southeast



Photo No. 13: The process water discharge at the southeast part of the site at approximate GPS Coordinates (30.079206, - 95.277731). Sample 3 was collected from this location.

Direction: Southeast



Photo No. 14: Process water discharge at approximate GPS Coordinates (30.078293, - 95.275613). At the time of the investigation, the process water discharge was flowing south towards the offsite pond depicted in the background.

Direction: South



Photo No. 15: Process water discharge at approximate GPS Coordinates (30.07816, -95.275923). The offsite process water appeared opaque tan in color. Sample 4 was collected from this location.

Direction: Southeast



Photo No. 16: The offsite pond southeast of the Porter Plant site.

Direction: Southeast



Photo No. 17:
Commingled water
from the offsite pond
flowed west towards the
West Fork San Jacinto
River.

Direction: South



Photo No. 18:
Commingled water
from the offsite pond
flowed west towards the
West Fork San Jacinto
River.

Direction: Southeast



Photo No. 19:
Commingled water
from the offsite pond
flowed west towards the
West Fork San Jacinto
River.

Direction: Northwest



Photo No. 20: The
West Fork San Jacinto
River at approximate
GPS Coordinates
(30.077717, -
95.281719). At the time
of the investigation, the
water appeared opaque
tan in color. Sample 5
was collected from this
location.

Direction: Northeast



Photo No. 21: The cleared land at approximate GPS Coordinates (30.077735, -95.27346).

Direction: East



Photo No. 22: No process water nor stormwater discharges were noted at the cleared land at approximate GPS Coordinates (30.077735, -95.27346).

Direction: Northeast



Photo No. 23: No process water nor stormwater discharges were noted at the cleared land at approximate GPS Coordinates (30.077735, -95.27346).

Direction: Northeast



Photo No. 24: No process water nor stormwater discharges were noted at the cleared land at approximate GPS Coordinates (30.077735, -95.27346).

Direction: Northwest



Photo No. 25: The meeting point where the process water discharge meets the offsite pond.

Direction: Southwest



Photo No. 26: The meeting point where the process water discharge meets the offsite pond at approximate GPS Coordinates (30.077828, -95.275961). Sample 6 was collected from this location.

Direction: North



Photo No. 27: The offsite pond at approximate GPS Coordinates (30.076814, -95.274836). Sample 7 was collected from this location.

Direction: South



Photo No. 28: The offsite pond at approximate GPS Coordinates (30.075758, -95.273544). Sample 8 was collected from this location.

Direction: South



Photo No. 29: At approximate GPS Coordinates (30.072013, -95.27203). Stormwater in the ditch flows west towards the West Fork San Jacinto River.

Direction: Southwest



Photo No. 30: At approximate GPS Coordinates (30.071908, -95.277312). Sample 9 was collected from the stormwater ditch at this location.

Direction: West



Photo No. 31: At approximate GPS Coordinates (30.071143, -95.28314). The stormwater discharge from the stormwater ditch meets with the West Fork San Jacinto River at this location.

Direction: Northwest



Photo No. 32: Stormwater discharge from the stormwater ditch meets the West Fork San Jacinto River at this location.

Direction: Southwest



Photo No. 33: The West Fork San Jacinto River at approximate GPS Coordinates (30.072013, -95.282802). At the time of the investigation, the water appeared opaque tan in color.

Direction: West



Photo No. 34: The West Fork San Jacinto River. At the time of the investigation, the water appeared opaque tan in color.

Direction: Southwest



Photo No. 35: The West Fork San Jacinto River at approximate GPS Coordinates (30.071085, -95.283118). Sample 10 was collected from this location.

Direction: Southwest



Photo No. 36: The West Fork San Jacinto River.

Direction: South

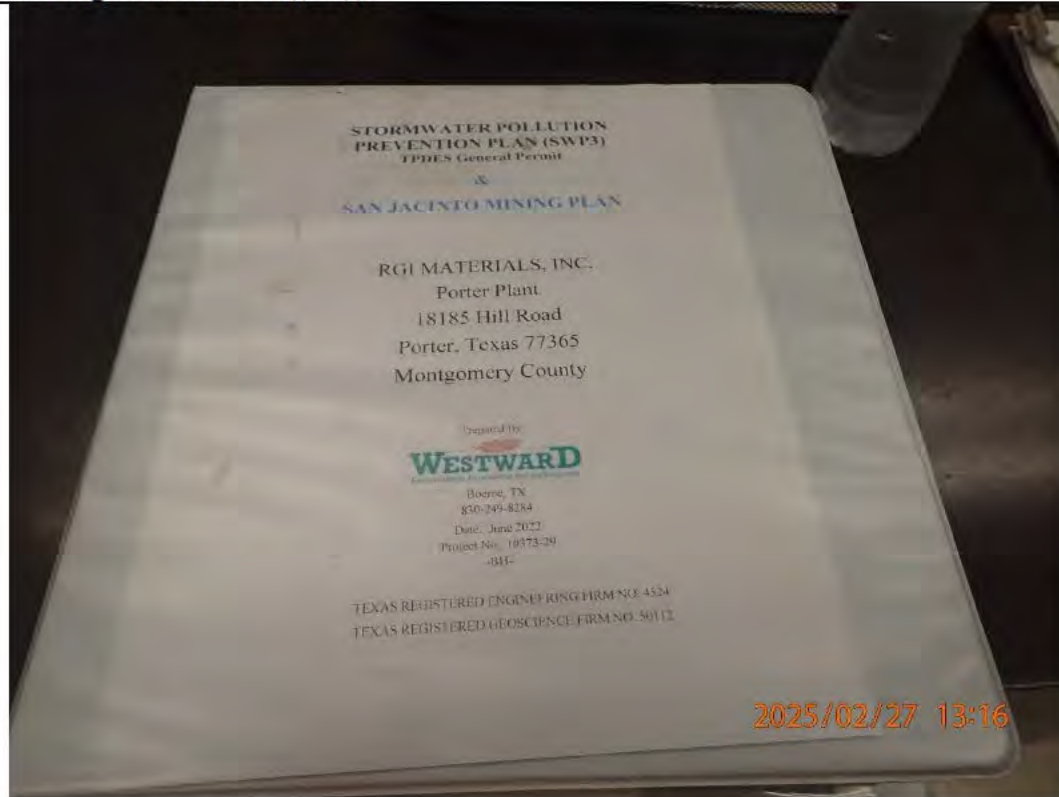


Photo No. 37: A review of the site's SWP3 was conducted.

Direction: East

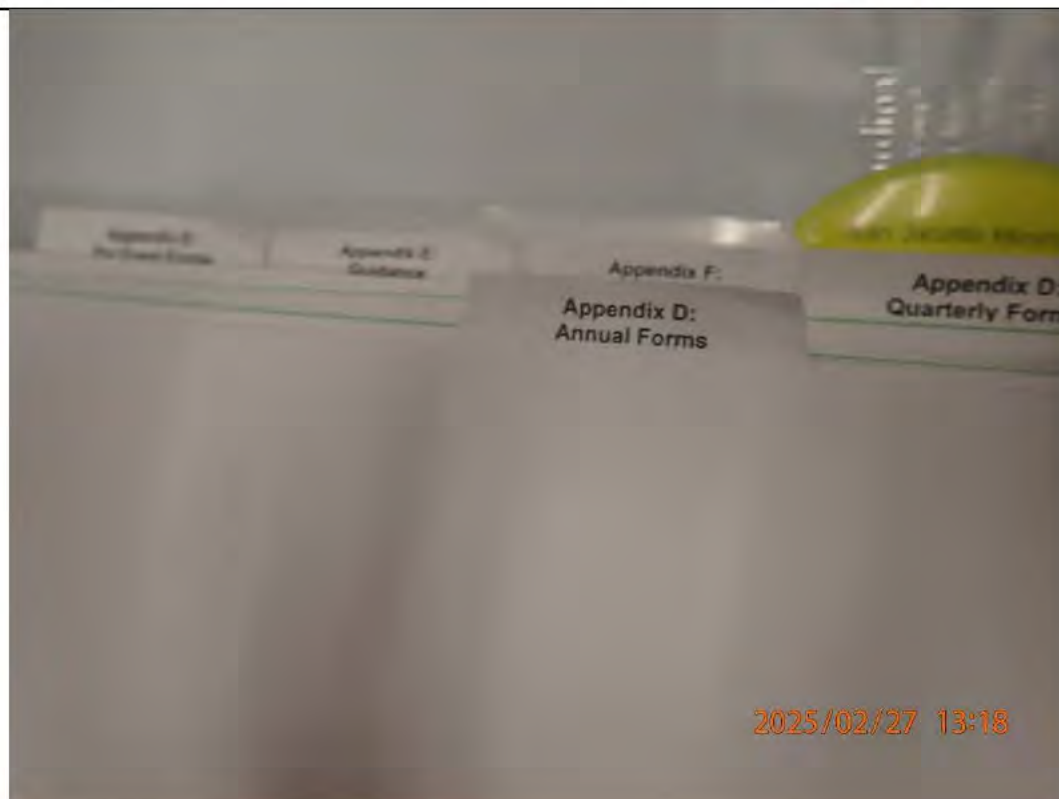


Photo No. 38: A review of the site's annual comprehensive site compliance evaluations was conducted.

Direction: East

Photographs of Porter Plant taken on February 26, 2025, and February 27, 2025, by Oscar Ayala
Investigation No. 2047649

SWP3 - Annual Comprehensive Site Compliance Inspection Form

Date: 11/27/23 Time: 11:00am Plant: RCI Materials, Porter Plant

The following items were inspected during this inspection:

- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness

Inspector(s) Name: WFL - Bob Huddleston Title: Consultant

☐ No incidents of non-compliance with the facility's SWP3 observed.

Note findings and any incidents of non-compliance below:

For the purpose of this inspection, a non-compliance is any finding where an element of the SWP3 is not in compliance with the applicable regulatory requirements of the permit to the site.

(1.) AREAS IDENTIFIED IN THE INVENTORY OF EXPOSED MATERIALS:
Staining around and under the Oil Storage Containment needs to be cleaned up.

(2.) STRUCTURAL CONTROLS
Steel containment on portable, trailer mounted, diesel tanks need to be provided with lockable drainage valves.

(3.) NON-STRUCTURAL CONTROLS (HOUSEKEEPING, ETC.)
No incidents of non-compliance observed in non-structural controls during this inspection.

(4.) AREAS OF HISTORIC SPILLS & LEAKS
N/A - There have been no reportable spills or leaks at this facility.

(5.) OUTFALLS
No incidents of non-compliance observed in reasonably accessible areas below Outfalls during this inspection.

(6.) MATERIALS / TRASH AREAS
No incidents of non-compliance observed in materials/trash areas during this inspection.

(7.) TANKS/DRUMS/EQUIPMENT LEAKAGE
Staining around and under the Oil Storage Containment needs to be cleaned up.

(8. & 9.) TRACKING
There was no evidence of tracking observed during this inspection.
Steel containment on portable, trailer mounted, diesel tanks need to be provided with lockable drainage valves.

Plant: Porter Plant

2025/02/27 13:18

Photo No. 39: The site's annual comprehensive site compliance evaluation for 2023 was noted.

Direction: East

SWP3 - Annual Comprehensive Site Compliance Inspection Form

Date: 11/26/23 Time: 11:00am Plant: RCI Materials, Porter Plant

The following items were inspected during this inspection:

- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness
- all structural controls including the maintenance and effectiveness

Inspector(s) Name: WFL - Bob Huddleston Title: Consultant

☐ No incidents of non-compliance with the facility's SWP3 observed.

Note findings and any incidents of non-compliance below:

For the purpose of this inspection, a non-compliance is any finding where an element of the SWP3 is not in compliance with the applicable regulatory requirements of the permit to the site.

(1.) AREAS IDENTIFIED IN THE INVENTORY OF EXPOSED MATERIALS:
Staining around and under the Oil Storage Containment needs to be cleaned up.

(2.) STRUCTURAL CONTROLS
No incidents of non-compliance observed in the structural controls or in the maintenance and effectiveness of these controls during this inspection.

(3.) NON-STRUCTURAL CONTROLS (HOUSEKEEPING, ETC.)
No incidents of non-compliance observed in non-structural controls during this inspection.

(4.) AREAS OF HISTORIC SPILLS & LEAKS
N/A - There have been no reportable spills or leaks at this facility.

(5.) OUTFALLS
If applicable, a Notice of Change (NOC) should be submitted to the TCEQ to remove Outfall 002.

(6.) MATERIALS / TRASH AREAS
No incidents of non-compliance observed in materials/trash areas during this inspection.

(7.) TANKS/DRUMS/EQUIPMENT LEAKAGE
Staining around and under the Oil Storage Containment needs to be cleaned up.

(8. & 9.) TRACKING
There was no evidence of tracking observed during this inspection.

Plant: Porter Plant

2025/02/27 13:19

Photo No. 40: The site's annual comprehensive site compliance evaluation for 2022 was noted.

Direction: East

SOPF - Annual Comprehensive Site Compliance Inspection Form
Form # 1000124
Plant: Porter
Date: 12/19/21

Inspector Name: Oscar Ayala
Inspector Title: Environmental Compliance Specialist

No incidents of non-compliance with the facility's SOPF observed.

Notes: Findings and any incidents of non-compliance below.
For the purpose of this inspection, a non-compliance finding is not a finding where an element of the SOPF is not in compliance, but an element of the SOPF is not in compliance with the permit conditions of the permit under review.

(1.) AREAS IDENTIFIED IN THE INVENTORY OF EXPOSED MATERIALS:
All storage structures and accumulation areas are well maintained. All storage areas are properly covered and constructed. Debris is properly disposed.

(2.) STRUCTURAL CONTROLS
No incidents of non-compliance observed.

(3.) NON-STRUCTURAL CONTROLS (HOUSEKEEPING, ETC.)
No incidents of non-compliance observed.

(4.) AREAS OF HISTORIC SPILLS & LEAKS
N/A

Plant: Porter
Date: 12/19/21
2025/02/27 13:20

Photo No. 41: The site's annual comprehensive site compliance evaluation for 2021 was noted.

Direction: East



Photo No. 42: The site's wet aggregate processing area.

Direction: South



Photo No. 43: The site's wet aggregate processing area.

Direction: South



Photo No. 44: Process water leaches out of the sorted aggregate material in the processing area then travels east.

Direction: East



Photo No. 45: Process water travels into an underground pipe.

Direction: West



Photo No. 46: Process water discharges from a pipe at approximate GPS Coordinates (30.08217, -95.289673) then continues flowing eastward.

Direction: Southwest



Photo No. 47: The process water flows east towards the site's eastern process water pond.

Direction: East



Photo No. 48: At approximate GPS Coordinates (30.082093, -95.28717). Pumps at the site's eastern process water pond pump the process water back into the wet aggregate processing area for aggregate sorting.

Direction: East



Photo No. 49: At approximate GPS Coordinates (30.082338, -95.277865). The investigator noted the berm at the site's eastern process water pond was repaired and the discharge of process water has ceased.

Direction: South



Photo No. 50: The repaired berm at approximate GPS Coordinates (30.082135, -95.277838).

Direction: Northwest



Photo No. 51: The repaired berm at approximate GPS Coordinates (30.08155, -95.277992).

Direction: North

ATTACHMENT 5

Oscar Ayala

From: A & B Labs [REDACTED]
Sent: Friday, March 7, 2025 2:31 PM
To: PSEADINV; Oscar Ayala
Subject: Job ID 25023054 Report, W015314 / Reg: 12, Program: Water Quality
Attachments: 25023054.pdf

Date : 3/7/2025 2:22:57 PM
From : **A & B Labs** [REDACTED]
Subject : A&B Job ID 25023054,
Project Name : Report, W015314 / Reg: 12, Program: Water Quality
Date Received : 2/27/2025
To : PSEADInv@tceq.texas.gov

Attached please find your final report for A&B Job ID 25023054.

You can download your PDF report, EDD file, and data via **A&B Lab's Client Portal** online : [A&B Labs - Quality Analytical Services Since 1988 \(ablabs.com\)](https://ablabs.com)

If you have questions regarding your laboratory report or other request, please contact any of the following:

DO NOT reply to reports@ablabs.com as this email address is not monitored.

Please contact your **Project Manager** or **Customer Service** regarding any questions or concerns regarding this report or any attachments.

Customer Service	Beatrice Villa	[REDACTED]
Petroleum Lab Project Manager	Verenise Valdespino	[REDACTED]
Food Lab Project Manager	Carley Hendrix	[REDACTED]
Project Manager	Ashley Arnett	[REDACTED]
Project Manager	Amanda Shute	[REDACTED]
Senior Project Manager	Alisha Hughes	[REDACTED]

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Laboratory Analysis Report

Total Number of Pages: 15

Job ID : 25023054



10100 East Freeway, Suite 100, Houston, TX 77029 tel: 713-453-6060, fax: 713-453-6091, <http://www.ablabs.com>

Client Project Name : W015314 / Reg: 12, Program: Water Quality

Report To : Client Name: TCEQ P.O.#.: 582-22-34874
Attn: Oscar Ayala Sample Collected By: Oscar Ayala
Client Address: 5425 Polk Ave Suite H Date Collected: 02/26/25 - 02/27/25
City, State, Zip: Houston, Texas, 77023-1483

A&B Labs has analyzed the following samples...

Client Sample ID	Matrix	A&B Sample ID
W015314-01	Water	25023054.01
W015314-02	Water	25023054.02
W015314-03	Water	25023054.03
W015314-04	Water	25023054.04
W015314-05	Water	25023054.05
W015314-06	Water	25023054.06
W015314-07	Water	25023054.07
W015314-08	Water	25023054.08

A handwritten signature in black ink, appearing to read 'R. Rangasamy'.

Released By: Gobinath Rangasamy
Title: Project Manager
Date: 3/7/2025



This Laboratory is NELAP (T104704213-23-31) accredited. Effective: 04/01/2024; Expires: 03/31/2025
Scope: Non-Potable Water, Drinking Water, Air, Solid, Biological Tissue, Hazardous Waste

I am the laboratory manager, or his/her designee, and I am responsible for the release of this data package. This laboratory data package has been reviewed and is complete and technically compliant with the requirements of the methods used, except where noted in the attached exception reports. I affirm, to the best of my knowledge that all problems/anomalies observed by this laboratory (and if applicable, any and all laboratories subcontracted through this laboratory) that might affect the quality of the data, have been identified in the Laboratory Review Checklist, and that no information or data have been knowingly withheld that would affect the quality of the data.

This report cannot be reproduced, except in full, without prior written permission of A&B Labs. Results shown relate only to the items tested. Results apply to the sample as received. Samples are assumed to be in acceptable condition unless otherwise noted. Blank correction is not made unless otherwise noted. Air concentrations reported are based on field sampling information provided by client. Soil samples are reported on a wet weight basis unless otherwise noted. Uncertainty estimates are available on request.

ab-q210-0321

Date Received : 02/27/2025 15:49

LABORATORY TERM AND QUALIFIER DEFINITION REPORT



Job ID : 25023054

Date: 3/7/2025

General Term Definition

Back-Wt	Back Weight	Post-Wt	Post Weight
BRL	Below Reporting Limit	ppm	parts per million
cfu	colony-forming units	Pre-Wt	Previous Weight
Conc.	Concentration	Q	Qualifier
D.F.	Dilution Factor	RegLimit	Regulatory Limit
Front-Wt	Front Weight	RLU	Relative Light Unit
J	Estimation. Below calibration range but above MDL	RPD	Relative Percent Difference
LCS	Laboratory Check Standard	RptLimit	Reporting Limit
LCSD	Laboratory Check Standard Duplicate	SDL	Sample Detection Limit
LOD	Limit of detection adjusted for %M + DF	SQL	Sample Quantitation Limit
LOQ	Limit of Quantitation adjusted for %M + DF	surr	Surrogate
MS	Matrix Spike	T	Time
MSD	Matrix Spike Duplicate	TNTC	Too numerous to count
MW	Molecular Weight	UQL	Unadjusted Upper Quantitation Limit
MQL	Unadjusted Minimum Quantitation Limit		

Qualifier Definition

**LABORATORY TEST RESULTS**

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-01 Job Sample ID: 25023054.01
Date Collected: 02/26/25 Sample Matrix: Water
Time Collected: 14:45
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	540	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	188	mg/L	4.00	10			02/27/25 19:01	AL



LABORATORY TEST RESULTS

Job ID : 25023054

Date 3/7/2025

Client Name:		TCEQ						Attn: Oscar Ayala	
Project Name:		W015314 / Reg: 12, Program: Water Quality							
Client Sample ID:		W015314-02				Job Sample ID:		25023054.02	
Date Collected:		02/26/25				Sample Matrix		Water	
Time Collected:		15:04							
Other Information:									
Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	300	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	492	mg/L	4.00	10			02/27/25 19:01	AL

**LABORATORY TEST RESULTS**

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-03 Job Sample ID: 25023054.03
Date Collected: 02/26/25 Sample Matrix: Water
Time Collected: 15:16
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	390	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	84.0	mg/L	2.00	5.00			02/27/25 19:01	AL

**LABORATORY TEST RESULTS**

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-04 Job Sample ID: 25023054.04
Date Collected: 02/26/25 Sample Matrix: Water
Time Collected: 15:41
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	530	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	148	mg/L	4.00	10			02/27/25 19:01	AL



LABORATORY TEST RESULTS

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-05 Job Sample ID: 25023054.05
Date Collected: 02/26/25 Sample Matrix: Water
Time Collected: 16:31
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	444	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	52.0	mg/L	2.00	5.00			02/27/25 19:01	AL

**LABORATORY TEST RESULTS**

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-06 Job Sample ID: 25023054.06
Date Collected: 02/27/25 Sample Matrix: Water
Time Collected: 11:28
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	272	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	124	mg/L	2.00	5.00			02/27/25 19:01	AL



LABORATORY TEST RESULTS

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-07 Job Sample ID: 25023054.07
Date Collected: 02/27/25 Sample Matrix Water
Time Collected: 11:36
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	156	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	96.0	mg/L	2.00	5.00			02/27/25 19:01	AL

**LABORATORY TEST RESULTS**

Job ID : 25023054

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015314 / Reg: 12, Program: Water Quality

Client Sample ID: W015314-08 Job Sample ID: 25023054.08
Date Collected: 02/27/25 Sample Matrix: Water
Time Collected: 11:47
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	216	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	66.0	mg/L	2.00	5.00			02/27/25 19:01	AL

QUALITY CONTROL CERTIFICATE



Job ID : 25023054

Date : 3/7/2025

Analysis : Total Suspended Solids **Method :** SM 2540D **Reporting Units :** mg/L

QC Batch ID : Qb250227134 **Created Date :** 02/27/25 **Created By :** ALassile

Samples in This QC Batch : 25023054.01,02,03,04,05,06

Sample Preparation : PB25022750 **Prep Method :** SM 2540D **Prep Date :** 02/27/25 19:00 **Prep By :** ALassile

QC Type: Blank Result

QCType	Parameter	CAS #	Result	Units	D.F.	RptLimit	Qual
Method Blank	TSS	TSS	BRL	mg/L	1	2.50	

QC Type: Duplicate

QC Sample ID: 25023054.05

Parameter	QCSample Result	Sample Result	Units	RPD	RPD CtrlLimit	Qual
TSS	50.0	52	mg/L	3.9	20	

QC Type: LCS and LCSD

Parameter	LCS Spk Added	LCS Result	LCS % Rec	LCSD Spk Added	LCSD Result	LCSD % Rec	RPD	RPD CtrlLimit	%Recovery CtrlLimit	Qual
TSS	500	467	93.4						72-108	

QUALITY CONTROL CERTIFICATE



Job ID : 25023054

Date : 3/7/2025

Analysis : Total Suspended Solids **Method :** SM 2540D **Reporting Units :** mg/L

QC Batch ID : Qb250227135 **Created Date :** 02/27/25 **Created By :** ALassile

Samples in This QC Batch : 25023054.07,08

Sample Preparation : PB25022750 **Prep Method :** SM 2540D **Prep Date :** 02/27/25 19:00 **Prep By :** ALassile

QC Type: Blank Result

QCType	Parameter	CAS #	Result	Units	D.F.	RptLimit	Qual
Method Blank	TSS	TSS	BRL	mg/L	1	2.50	

QC Type: Duplicate

QC Sample ID: 25023055.02

Parameter	QCSample Result	Sample Result	Units	RPD	RPD CtrlLimit	Qual
TSS	106	103.3	mg/L	2.6	20	

QC Type: LCS and LCSD

Parameter	LCS Spk Added	LCS Result	LCS % Rec	LCSD Spk Added	LCSD Result	LCSD % Rec	RPD	RPD CtrlLimit	%Recovery CtrlLimit	Qual
TSS	500	452	90.4						72-108	

QUALITY CONTROL CERTIFICATE



Job ID : 25023054

Date : 3/7/2025

Analysis : Total Dissolved Solids **Method :** SM 2540C **Reporting Units :** mg/L

QC Batch ID : Qb25022891 **Created Date :** 02/28/25 **Created By :** ALassile

Samples in This QC Batch : 25023054.01,02,03,04,05,06,07,08

Sample Preparation : PB25022834 **Prep Method :** SM 2540C **Prep Date :** 02/28/25 13:00 **Prep By :** ALassile

QC Type: Blank Result

QCType	Parameter	CAS #	Result	Units	D.F.	RptLimit	Qual
Method Blank	TDS	TDS	BRL	mg/L	1	10	

QC Type: Duplicate

QC Sample ID: 25023003.12

Parameter	QCSample Result	Sample Result	Units	RPD	RPD CtrlLimit	Qual
TDS	2040	2009.9	mg/L	1.5	5	

QC Type: LCS and LCSD

Parameter	LCS Spk Added	LCS Result	LCS % Rec	LCSD Spk Added	LCSD Result	LCSD % Rec	RPD	RPD CtrlLimit	%Recovery CtrlLimit	Qual
TDS	500	482	96.4						80-120	

W 015314




☐ Houston Laboratory
Phone: 281-457-5229

Region: 12 Organization #: _____ PCA Code: _____ Program: Water Quality
 Sampler Name: Oscar Ayala Sampler Signature: Oscar Ayala
 Sampler phone number: (713) 767-3663 E-Mail ID: oscar.ayala@tceq.texas.gov

LAB USE ONLY	Sample ID	Sampling		Comp	Grab	Matrix L = Liquid S = Solid	No. of Containers	Containers*		Preservatives**		P	P						Remarks			
		Date	Time					Analyses Requested	BOD	CBOD	TSS									NH ₃ -N	E. Coli	TDS
C1A	-01	02/26/25	14:45	X	L	1																
C2A	-02	02/26/25	15:04	X	L	1																
C3A	-03	02/26/25	15:16	X	L	1																
C4A	-04	02/26/25	15:41	X	L	1																
C5A	-05	02/26/25	16:31	X	L	1																
C6A	-06	02/27/25	11:28	X	L	1																
C7A	-07	02/27/25	11:36	X	L	1																
C8A	-08	02/27/25	11:47	X	L	1																

Job ID:25023054



02/27/2025 TCEQ AMS

Job ID:25023054



02/27/2025

TCEQ

AMS

RELINQUISHED BY

DATE _____

TIME

RECEIVED BY

DATE _____

TIME

FOR LAB USE ONLY

Received on Ice: ☒ Y ☐ N

Temperature: 3.5 °C

Preserved: ☐ Y ☒ N

COC Seal: ☒ Y ☐ N

Seals Intact: ☒ Y ☐ N

Shipper Name:

Shipper Number: _____

*Containers: P = Plastic G = Clear Glass A = Amber Glass V = VOA Vials O = Other _____

**Preservatives: 1 = Ice 2 = H₂SO₄ 3 = HCl 4 = HNO₃ 5 = Na₂S₂O₃ 6 = Other _____



Sample Condition Checklist

A&B JobID : 25023054		Date Received : 02/27/2025		Time Received : 3:49PM	
Client Name : TCEQ					
Temperature : 3.5°C		Sample pH : NA			
Thermometer ID : IR7		pH Paper ID : NA			
Perservative :		Lot# :			

	Check Points	Yes	No	N/A																						
1.	Cooler Seal present and signed.		X																							
2.	Sample(s) in a cooler.	X																								
3.	If yes, ice in cooler.	X																								
4.	Sample(s) received with chain-of-custody.	X																								
5.	C-O-C signed and dated.	X																								
6.	Sample(s) received with signed sample custody seal.	X																								
7.	Sample containers arrived intact. (If No comment)	X																								
8.	Matrix: <table style="display: inline-table; vertical-align: middle;"> <tr> <td>Water</td><td>Soil</td><td>Liquid</td><td>Sludge</td><td>Solid</td><td>Cassette</td><td>Tube</td><td>Bulk</td><td>Badge</td><td>Food</td><td>Other</td> </tr> <tr> <td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> </tr> </table>	Water	Soil	Liquid	Sludge	Solid	Cassette	Tube	Bulk	Badge	Food	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Water	Soil	Liquid	Sludge	Solid	Cassette	Tube	Bulk	Badge	Food	Other																
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
9.	Samples were received in appropriate container(s)	X																								
10.	Sample(s) were received with Proper preservative			X																						
11.	All samples were tagged or labeled.	X																								
12.	Sample ID labels match C-O-C ID's.	X																								
13.	Bottle count on C-O-C matches bottles found.	X																								
14.	Sample volume is sufficient for analyses requested.		X																							
15.	Samples were received within the hold time.	X																								
16.	VOA vials completely filled.			X																						
17.	Sample accepted.	X																								
18.	Has client been contacted about sub-out			X																						

Comments : Include actions taken to resolve discrepancies/problem:

TSS/TDS- Each sample received in shared 1L plastic container; insufficient volume for TSS/TDS. AM 02/27/25

Brought by : Client
Received by : Amber

Check in by/date : Amber / 02/27/2025

ab-s005-1123

Oscar Ayala

From: A & B Labs [REDACTED]
Sent: Friday, March 7, 2025 2:32 PM
To: PSEADINV; Oscar Ayala
Subject: Job ID 25023055 Report, W015675 / Reg:12, Program: Water Quality
Attachments: 25023055.pdf

Date : 3/7/2025 2:22:57 PM
From : **A & B Labs** [REDACTED] >
Subject : A&B Job ID 25023055,
Project Name : Report, W015675 / Reg:12, Program: Water Quality
Date Received : 2/27/2025
To : PSEADInv@tceq.texas.gov

Attached please find your final report for A&B Job ID 25023055.

You can download your PDF report, EDD file, and data via **A&B Lab's Client Portal** online : [A&B Labs - Quality Analytical Services Since 1988 \(ablab.com\)](https://ablab.com)

If you have questions regarding your laboratory report or other request, please contact any of the following:

DO NOT reply to [REDACTED] as this email address is not monitored.

Please contact your **Project Manager** or **Customer Service** regarding any questions or concerns regarding this report or any attachments.

Customer Service	Beatrice Villa	[REDACTED]
Petroleum Lab Project Manager	Verenise Valdespino	[REDACTED]
Food Lab Project Manager	Carley Hendrix	[REDACTED]
Project Manager	Ashley Arnett	[REDACTED]
Project Manager	Amanda Shute	[REDACTED]
Senior Project Manager	Alisha Hughes	[REDACTED]

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Laboratory Analysis Report

Total Number of Pages: 8

Job ID : 25023055



10100 East Freeway, Suite 100, Houston, TX 77029 tel: 713-453-6060, fax: 713-453-6091, <http://www.ablabs.com>

Client Project Name :
W015675 / Reg:12, Program: Water Quality

Report To :	Client Name:	TCEQ	P.O.#.: 582-22-34874
	Attn:	Oscar Ayala	Sample Collected By: Oscar Ayala
	Client Address:	5425 Polk Ave Suite H	Date Collected: 02/27/25
	City, State, Zip:	Houston, Texas, 77023-1483	

A&B Labs has analyzed the following samples...

Client Sample ID	Matrix	A&B Sample ID
W015675-01	Water	25023055.01
W015675-02	Water	25023055.02

A handwritten signature in black ink, appearing to read 'R. Rangasamy'.

Released By: Gobinath Rangasamy
Title: Project Manager
Date: 3/7/2025



This Laboratory is NELAP (T104704213-23-31) accredited. Effective: 04/01/2024; Expires: 03/31/2025
Scope: Non-Potable Water, Drinking Water, Air, Solid, Biological Tissue, Hazardous Waste

I am the laboratory manager, or his/her designee, and I am responsible for the release of this data package. This laboratory data package has been reviewed and is complete and technically compliant with the requirements of the methods used, except where noted in the attached exception reports. I affirm, to the best of my knowledge that all problems/anomalies observed by this laboratory (and if applicable, any and all laboratories subcontracted through this laboratory) that might affect the quality of the data, have been identified in the Laboratory Review Checklist, and that no information or data have been knowingly withheld that would affect the quality of the data.

This report cannot be reproduced, except in full, without prior written permission of A&B Labs. Results shown relate only to the items tested. Results apply to the sample as received. Samples are assumed to be in acceptable condition unless otherwise noted. Blank correction is not made unless otherwise noted. Air concentrations reported are based on field sampling information provided by client. Soil samples are reported on a wet weight basis unless otherwise noted. Uncertainty estimates are available on request.

ab-q210-0321

Date Received : 02/27/2025 15:49

LABORATORY TERM AND QUALIFIER DEFINITION REPORT



Job ID : 25023055

Date: 3/7/2025

General Term Definition

Back-Wt	Back Weight	Post-Wt	Post Weight
BRL	Below Reporting Limit	ppm	parts per million
cfu	colony-forming units	Pre-Wt	Previous Weight
Conc.	Concentration	Q	Qualifier
D.F.	Dilution Factor	RegLimit	Regulatory Limit
Front-Wt	Front Weight	RLU	Relative Light Unit
J	Estimation. Below calibration range but above MDL	RPD	Relative Percent Difference
LCS	Laboratory Check Standard	RptLimit	Reporting Limit
LCSD	Laboratory Check Standard Duplicate	SDL	Sample Detection Limit
LOD	Limit of detection adjusted for %M + DF	SQL	Sample Quantitation Limit
LOQ	Limit of Quantitation adjusted for %M + DF	surr	Surrogate
MS	Matrix Spike	T	Time
MSD	Matrix Spike Duplicate	TNTC	Too numerous to count
MW	Molecular Weight	UQL	Unadjusted Upper Quantitation Limit
MQL	Unadjusted Minimum Quantitation Limit		

Qualifier Definition

**LABORATORY TEST RESULTS**

Job ID : 25023055

Date 3/7/2025

Client Name: TCEQ Attn: Oscar Ayala
Project Name: W015675 / Reg:12, Program: Water Quality

Client Sample ID: W015675-01 Job Sample ID: 25023055.01
Date Collected: 02/27/25 Sample Matrix: Water
Time Collected: 12:08
Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	224	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	20.8	mg/L	0.400	1			02/27/25 19:01	AL

**LABORATORY TEST RESULTS**

Job ID : 25023055

Date 3/7/2025

Client Name: TCEQ

Attn: Oscar Ayala

Project Name: W015675 / Reg:12, Program: Water Quality

Client Sample ID: W015675-02

Job Sample ID: 25023055.02

Date Collected: 02/27/25

Sample Matrix Water

Time Collected: 12:27

Other Information:

Test Method	Parameter/Test Description	Result	Units	DF	Rpt Limit	Reg Limit	Q	Date Time	Analyst
SM 2540C	Total Dissolved Solids								
	TDS	244	mg/L	1	10			02/28/25 16:01	AL
SM 2540D	Total Suspended Solids								
	TSS	103	mg/L	0.667	1.67			02/27/25 19:01	AL

QUALITY CONTROL CERTIFICATE



Job ID : 25023055

Date : 3/7/2025

Analysis : Total Suspended Solids **Method :** SM 2540D **Reporting Units :** mg/L

QC Batch ID : Qb250227135 **Created Date :** 02/27/25 **Created By :** ALassile

Samples in This QC Batch : 25023055.01,02

Sample Preparation : PB25022750 **Prep Method :** SM 2540D **Prep Date :** 02/27/25 19:00 **Prep By :** ALassile

QC Type: Blank Result

QCType	Parameter	CAS #	Result	Units	D.F.	RptLimit	Qual
Method Blank	TSS	TSS	BRL	mg/L	1	2.50	

QC Type: Duplicate

QC Sample ID: 25023055.02

Parameter	QCSample Result	Sample Result	Units	RPD	RPD CtrlLimit	Qual
TSS	106	103.3	mg/L	2.6	20	

QC Type: LCS and LCSD

Parameter	LCS Spk Added	LCS Result	LCS % Rec	LCSD Spk Added	LCSD Result	LCSD % Rec	RPD	RPD CtrlLimit	%Recovery CtrlLimit	Qual
TSS	500	452	90.4						72-108	

QUALITY CONTROL CERTIFICATE



Job ID : 25023055

Date : 3/7/2025

Analysis : Total Dissolved Solids **Method :** SM 2540C **Reporting Units :** mg/L

QC Batch ID : Qb25022892 **Created Date :** 02/28/25 **Created By :** ALassile

Samples in This QC Batch : 25023055.01,02

Sample Preparation : PB25022834 **Prep Method :** SM 2540C **Prep Date :** 02/28/25 13:00 **Prep By :** ALassile

QC Type: Blank Result

QCType	Parameter	CAS #	Result	Units	D.F.	RptLimit	Qual
Method Blank	TDS	TDS	BRL	mg/L	1	10	

QC Type: Duplicate

QC Sample ID: 25023055.02

Parameter	QCSample Result	Sample Result	Units	RPD	RPD CtrlLimit	Qual
TDS	250	244	mg/L	2.4	5	

QC Type: LCS and LCSD

Parameter	LCS Spk Added	LCS Result	LCS % Rec	LCSD Spk Added	LCSD Result	LCSD % Rec	RPD	RPD CtrlLimit	%Recovery CtrlLimit	Qual
TDS	500	528	106.0						80-120	

Chain of Custody Record

W 015675



Send to:

☐ Houston Laboratory
Phone: 281-457-5229

☐

Region: 12 Organization #: _____ PCA Code: _____ Program: Water Quality
Sampler Name: Oscar Ayala Sampler Signature: Oscar Ayala
Sampler phone number: (713) 767-3663 E-Mail ID: Oscar.ayala@tceq.texas.gov

LAB USE ONLY	Sample ID	Sampling		Comp	Grab	Matrix L = Liquid S = Solid	No. of Containers	Containers*		Preservatives**		Remarks								
		Date	Time					Analyses Requested	BOD	CBOD	TSS		NH ₃ -N	E. Coli	TPS					
<u>01A</u>	- 01	<u>02/27/25</u>	<u>12:08</u>		X	L	1					X								
<u>02A</u>	- 02	<u>02/27/25</u>	<u>12:21</u>		X	L	1					X								
	- 03																			
	- 06																			
	- 07																			
	- 08																			

Job ID:25023055



02/27/2025

TCEQ

AMS

RELINQUISHED BY

DATE

TIME

RECEIVED BY

DATE

TIME

Oscar Ayala02-27-25 15:49[Signature]2/27/25 15:49

Shipper Name: _____

Shipper Number: _____

*Containers: P = Plastic G = Clear Glass A = Amber Glass V = VOA Vials O = Other _____
**Preservatives: 1 = Ice 2 = H₂SO₄ 3 = HCl 4 = HNO₃ 5 = Na₂S₂O₃ 6 = Other _____

FOR LAB USE ONLY

Received on Ice: ☒ Y ☐ NTemperature: 3.5 °CPreserved: ☐ Y ☒ NCOC Seal: ☒ Y ☐ NSeals Intact: ☒ Y ☐ N



Sample Condition Checklist

A&B JobID : 25023055		Date Received : 02/27/2025		Time Received : 3:49PM	
Client Name : TCEQ					
Temperature : 3.5°C		Sample pH : NA			
Thermometer ID : IR7		pH Paper ID : NA			
Perservative :		Lot# :			

	Check Points	Yes	No	N/A																						
1.	Cooler Seal present and signed.		X																							
2.	Sample(s) in a cooler.	X																								
3.	If yes, ice in cooler.	X																								
4.	Sample(s) received with chain-of-custody.	X																								
5.	C-O-C signed and dated.	X																								
6.	Sample(s) received with signed sample custody seal.	X																								
7.	Sample containers arrived intact. (If No comment)	X																								
8.	Matrix: <table style="display: inline-table; vertical-align: middle;"> <tr> <td>Water</td><td>Soil</td><td>Liquid</td><td>Sludge</td><td>Solid</td><td>Cassette</td><td>Tube</td><td>Bulk</td><td>Badge</td><td>Food</td><td>Other</td> </tr> <tr> <td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> </tr> </table>	Water	Soil	Liquid	Sludge	Solid	Cassette	Tube	Bulk	Badge	Food	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Water	Soil	Liquid	Sludge	Solid	Cassette	Tube	Bulk	Badge	Food	Other																
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
9.	Samples were received in appropriate container(s)	X																								
10.	Sample(s) were received with Proper preservative			X																						
11.	All samples were tagged or labeled.	X																								
12.	Sample ID labels match C-O-C ID's.	X																								
13.	Bottle count on C-O-C matches bottles found.	X																								
14.	Sample volume is sufficient for analyses requested.		X																							
15.	Samples were received within the hold time.	X																								
16.	VOA vials completely filled.			X																						
17.	Sample accepted.	X																								
18.	Has client been contacted about sub-out			X																						

Comments : Include actions taken to resolve discrepancies/problem:

Samples received in shared 1L plastic container each; insufficient volume for TSS/TDS. AM 02/27/25

Brought by : Client

Received by : Amber

Check in by/date : Amber / 02/27/2025

ab-s005-1123

Sample Number	Total Suspended Solids (TSS) concentration in milligrams per liter (mg/L)	Total Dissolved Solids (TDS) concentration in milligrams per liter (mg/L)
1	188	540
2	492	300
3	84	390
4	148	530
5	52	444
6	124	272
7	96	156
8	66	216
9	20.8	224
10	103	244

ATTACHMENT 6

Oscar Ayala

From: Karl Rasmussen [REDACTED]
Sent: Thursday, March 13, 2025 4:38 PM
To: Oscar Ayala
Cc: Bianna Sims; Wade Carroll
Subject: RE: TCEQ Exit Interview - Porter Plant
Attachments: NOI - Porter.pdf; 2024 ASCE Porter.pdf

Oscar,

Please see attached our updated NOI (Issue #5) as well as our 2024 ASCE report (Issue #6). If there are any questions or additional information that I can provide, please let me know. Have a great evening.

Best,

Karl Rasmussen
The Rasmussen Group, Inc
Sr. Financial Analyst
T (515) 266-5173, Ext. 345
C (515) 745-2112



RASMUSSEN
G R O U P

From: Bianna Sims [REDACTED]
Sent: Sunday, March 9, 2025 8:59 AM
To: Karl Rasmussen [REDACTED]
Subject: Fw: TCEQ Exit Interview - Porter Plant

Thanks,

Bianna Sims

Office Manager

Hallett Materials – Texas

P O Box 329

#1 Hallett Dr

Porter, TX 77365

PH: 281-354-2215 Ext 2102

Fax: 281-354-1906

[REDACTED]

[REDACTED]



Concrete Sand • Fine Sand • Gravel

From: Oscar Ayala <Oscar.Ayala@tceq.texas.gov>

Sent: Friday, March 7, 2025 3:38 PM

To: Bianna Sims [REDACTED]

Subject: RE: TCEQ Exit Interview - Porter Plant

Ricky,

Please see the email below.

Regards,



Oscar Ayala

Environmental Investigator III

Region 12 • Water Section

5425 Polk Ave • Suite H • Houston TX

77023

Phone: **713-767-3663**

From: Oscar Ayala <Oscar.Ayala@tceq.texas.gov>

Sent: Friday, March 7, 2025 2:34 PM

[REDACTED]

Subject: TCEQ Exit Interview - Porter Plant

Good afternoon, Ricky,

The following are being provided as attachments to this email:

- TCEQ Exit Interview Form – Porter Plant
- TCEQ Customer Satisfaction Survey: <https://www.tceq.texas.gov/customersurvey>
- The TCEQ Has Inspected Your Business – Publication RG-344:
https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-344.pdf

If you need technical assistance, please contact Ms. Rebecca Costigan, Environmental Compliance Specialist with the TCEQ Small Business and Local Government Assistance (SBLGA) program at (512) 239-7003 or rebecca.costigan@tceq.texas.gov. You could also contact the SBLGA program at (800) 447-2827.

The TCEQ Exit Interview Form – Porter Plant, is being provided as an attachment to this email to ensure that the issues are communicated regarding the compliance evaluation investigation conducted on February 26, 2025, and February 27, 2025, at the Porter Plant (RN105195127) site. Please note that the facility is still under investigation and changes can still be made. If there are any questions about the information contained in the form, contact me as soon as possible.

Regards,



Oscar Ayala

Environmental Investigator III
Region 12 • Water Section
5425 Polk Ave • Suite H • Houston TX
77023
Phone: **713-767-3663**

Texas Commission on Environmental Quality

Industrial Notice of Change

TXR05U571

Site Information (Regulated Entity)

What is the name of the site to be authorized?	PORTER PLANT
Does the site have a physical address?	Yes
Physical Address	
Number and Street	18185 HILL RD
City	PORTER
State	TX
ZIP	77365
County	MONTGOMERY
Latitude (N) (##.#####)	30.09278
Longitude (W) (-###.#####)	-95.26667
Primary SIC Code	1442
Secondary SIC Code	
Primary NAICS Code	
Secondary NAICS Code	
Regulated Entity Site Information	
What is the Regulated Entity's Number (RN)?	RN105195127
What is the name of the Regulated Entity (RE)?	PORTER PLANT
Does the RE site have a physical address?	Yes
Physical Address	
Number and Street	18185 HILL RD
City	PORTER
State	TX
ZIP	77365
County	MONTGOMERY
Latitude (N) (##.#####)	30.09278
Longitude (W) (-###.#####)	-95.26667
Facility NAICS Code	
What is the primary business of this entity?	

Customer (Applicant) Information

How is this applicant associated with this site?	Operator
What is the applicant's Customer Number (CN)?	CN603171455
Type of Customer	Corporation

Full legal name of the applicant:

Legal Name	RGI MATERIALS, INC.
Texas SOS Filing Number	163306400
Federal Tax ID	
State Franchise Tax ID	13644512603
State Sales Tax ID	
Local Tax ID	
DUNS Number	957014702
Number of Employees	21-100
Independently Owned and Operated?	Yes
I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas.	Yes
Responsible Authority Contact	
Organization Name	RGI MATERIALS, INC.
Prefix	
First	Karl
Middle	
Last	Rasmussen
Suffix	
Credentials	
Title	Sr. Financial Analyst
Responsible Authority Mailing Address	
Enter new address or copy one from list:	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 329
Routing (such as Mail Code, Dept., or Attn:)	
City	PORTER
State	TX
ZIP	77365
Phone (###-###-####)	5152665173
Extension	345
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	

Billing Contact

Responsible contact for receiving billing statements:

Select the permittee that is responsible for payment of the annual fee.

CN603171455, RGI MATERIALS, INC.

Organization Name	RGI MATERIALS INC
Prefix	
First	
Middle	
Last	
Suffix	
Credentials	
Title	
Enter new address or copy one from list:	CN603171455, RGI MATERIALS, INC. Responsible Authority
Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 329
Routing (such as Mail Code, Dept., or Attn:)	
City	PORTER
State	TX
ZIP	77365
Phone (###-###-####)	2813542215
Extension	
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	

Application Contact

Person TCEQ should contact for questions about this application:

Same as another contact?

Organization Name	Westward Environmental Inc
Prefix	MRS
First	Montana
Middle	
Last	Bragg
Suffix	
Credentials	
Title	Project Manager
Enter new address or copy one from list:	
Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	4 SHOOTING CLUB RD
Routing (such as Mail Code, Dept., or Attn:)	

City	BOERNE
State	TX
ZIP	78006
Phone (###-###-####)	8302498284
Extension	
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	

DMR Contact

Person responsible for submitting Discharge Monitoring Report Forms:	
Same as another contact?	
Organization Name	RGI MATERIALS INC
Prefix	
First	Bianna
Middle	
Last	Sims
Suffix	
Credentials	
Title	Office Manager
Enter new address or copy one from list:	
Mailing Address:	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 329
Routing (such as Mail Code, Dept., or Attn:)	
City	PORTER
State	TX
ZIP	77365
Phone (###-###-####)	2813542215
Extension	2102
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	

INOI Notice of Change General Characteristics

1) What are you proposing to change from what was last provided for this permit?	Change to DMRs contact and address Change to billing address Change to permittee mailing address Other changes not asked
--	--

1.1. What are the other proposed changes not asked in this section of the Notice of Change?	Update Responsible Party contact
2) What is the Sector(s) that applies to the industrial activity at your facility?	J
3) If applicable, select the Activity Code that corresponds with the Sector.	
4) Are the discharges at your facility subjected to federal effluent limitation guidelines?	Yes
4.1. Is the runoff from material storage piles at cement manufacturing facilities unless exempt under 40 CFR 411.32 (b) (Part 411, Subpart C, where the affected MSGP is Sector E)?	No
4.2. Is the runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) (Part 418, Subpart A, where the affected MSGP is Sector C)?	No
4.3. Is the coal pile runoff at steam electric generating facilities unless exempt under 40 CFR 423.15 (a)(12) (Part 423, where the affected MSGP Sector is O)?	No
4.4. Are the discharges resulting from spray down or intentional wetting of logs at wet deck storage areas (Part 429, Subpart I where the affected MSGP Sector is A)?	No
4.5. Are the mine dewatering discharges at crushed stone mines unless exempt under 40 CFR 436.22(b) (Part 436, Subpart B where the affected MSGP Sector is J)?	No
4.6. Are the mine dewatering discharges at construction sand and gravel mines unless exempt under 40 CFR 436.32(b) (Part 436, Subpart C where the affected MSGP Sector is J)?	Yes
4.7. Are the mine dewatering discharges at industrial sand mines unless exempt under 40 CFR 436.42(b) (Part 436, Subpart D where the affected MSGP Sector is J)?	No
4.8. Is the runoff from asphalt emulsion facilities (Part 443, Subpart A) where the affected MSGP sector is D)?	No
4.9. Is the runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures (Part 449 where the affected MSGP Sector is S)?	No
4.10. Is the runoff containing urea from aircraft deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft	No

departures (Part 449 where the affected MSGP Sector is S)?

5) What is the Primary SIC Code that is within the range listed and corresponds with the selected Activity or Sector in the general permit? 1442

6) If applicable, what is the Secondary SIC Code(s)?

7) Is your facility presently inactive and unstaffed? No

8) Is your facility implementing a waiver from Benchmark Monitoring? No

9) Is your facility implementing a waiver from Hazardous Metals Monitoring? Yes

9.1. I certify that one or more of the criteria described in Part III.C.1.(c) of the general permit have been met, a copy of the Hazardous Metals Monitoring Waiver form provided by the executive director will be either maintained on site or made readily available for review upon request, and the criteria under which the waiver is claimed is identified in the Stormwater Pollution Prevention Plan. Yes

10) Is the discharge into an MS4? No

11) Is the discharge or potential discharge within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, as defined in 30 TAC Chapter 213? No

12) I certify the Stormwater Pollution Prevention Plan has been prepared, updated and implemented as required in the general permit. Yes

Certification

I certify that I am authorized under 30 Texas Administrative Code 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1. I am Bianna M Sims, the owner of the STEERS account ER101484.
2. I have the authority to sign this data on behalf of the applicant named above.
3. I have personally examined the foregoing and am familiar with its content and the content of any attachments, and based upon my personal knowledge and/or inquiry of any individual responsible for information contained herein, that this information is true, accurate, and complete.
4. I further certify that I have not violated any term in my TCEQ STEERS participation agreement and that I have no reason to believe that the confidentiality or use of my password has been compromised at any time.

5. I understand that use of my password constitutes an electronic signature legally equivalent to my written signature.
6. I also understand that the attestations of fact contained herein pertain to the implementation, oversight and enforcement of a state and/or federal environmental program and must be true and complete to the best of my knowledge.
7. I am aware that criminal penalties may be imposed for statements or omissions that I know or have reason to believe are untrue or misleading.
8. I am knowingly and intentionally signing Industrial Notice of Change TXR05U571.
9. My signature indicates that I am in agreement with the information on this form, and authorize its submittal to the TCEQ.

OPERATOR Signature: Bianna M Sims OPERATOR

Customer Number:	CN603171455
Legal Name:	RGI MATERIALS, INC.
Account Number:	ER101484
Signature IP Address:	98.97.87.190
Signature Date:	2025-03-12
Signature Hash:	352A6B25A73554517D0596C5EF15C53CA0A2FD5D7D8D298650A3DA3854932838
Form Hash Code at time of Signature:	0E09D717D1FA39F650EC077C2B7BB697EB874186994070A63248A52908454A16

Submission

Reference Number:	The application reference number is 769216
Submitted by:	The application was submitted by ER101484/Bianna M Sims
Submitted Timestamp:	The application was submitted on 2025-03-12 at 09:32:50 CDT
Submitted From:	The application was submitted from IP address 98.97.87.190
Confirmation Number:	The confirmation number is 638561
Steers Version:	The STEERS version is 6.88
Permit Number:	The permit number is TXR05U571

Additional Information

Application Creator: This account was created by Montana C Bragg

SWP3 - Annual Comprehensive Site Compliance Inspection Form

Date & Time:	11/13/2024	Plant:	RGI Materials Porter Plant
	8:00am		

The evaluation must include inspection of:

- 1) all areas identified in the Inventory of Exposed Materials section of the SWP3;
- 2) all structural controls, including the maintenance and effectiveness;
- 3) all non-structural controls (e.g., good housekeeping measures, scheduling, etc.);
- 4) all areas where spills and leaks have occurred in the past three (3) years;
- 5) all reasonably accessible areas immediately downstream of each outfall;
- 6) industrial materials, residue, or trash that may have or could come into contact with stormwater;
- 7) leaks or spills from industrial equipment, drums, tanks, and other containers;
- 8) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- 9) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
- 10) a review of the past year's records required by the MSGP; and
- 11) control measures needing replacement, maintenance, or repair

<i>Inspector(s) Name</i>	<i>Title</i>
WEI – Bob Huddleston	Consultant

☐ **No incidents of non-compliance with the facility's SWP3 observed.**

Note findings and any incidents of non-compliance below.

For the purpose of this inspection, a non-compliance incident is any instance where an element of the SWP3 is either not implemented, or where specific conditions of the permit were not met.

(1.) AREAS IDENTIFIED IN THE INVENTORY OF EXPOSED MATERIALS:

Staining around and under the Oil Storage Containment needs to be cleaned up.

(2.) STRUCTURAL CONTROLS

Steel containments on portable, trailer mounted, diesel tanks need to be provided with lockable drainage valves.
Water pump diesel tank steel containment drain open.

(3.) NON-STRUCTURAL CONTROLS (HOUSEKEEPING, ETC.)

No incidents of non-compliance observed in non-structural controls during this inspection

(4.) AREAS OF HISTORIC SPILLS & LEAKS

N/A – There have been no reportable spills or leaks at this facility

(5.) OUTFALLS

No incidents of non-compliance observed in reasonably accessible areas below Outfalls during this inspection.
A Notice of Change should be submitted to the TCEQ eliminating Outfall 002

SWP3 - Annual Comprehensive Site Compliance Inspection Form

(6.) MATERIALS / TRASH AREAS

Dumpster lid open.

(7.) TANKS/DRUMS/EQUIPMENT LEAKAGE

Staining around and under the Oil Storage Containment needs to be cleaned up.
Steel containments on portable, trailer mounted, diesel tanks need to be provided with lockable drainage valves
Water pump diesel tank steel containment drain open.
Fuel barge staining should be cleaned.

(8. & 9.) TRACKING

There was no evidence of tracking observed during this inspection.

(10.) SWP3 RECORDS REVIEW

Annual SWP3 Training documentation not available for review.
'23 Annual Compliance Inspection not signed by an employee with Signatory Authority

(11.) CONTROLS NEEDING MAINTENANCE OR REPAIRS

No controls observed during this inspection appeared to need maintenance or repair.

Observations Relating to the Implementation of Control Measures:

Did you observe any of the following?

1. Previously unidentified discharges from the site? ☐ yes ☒ no
If "yes" what & where?

--
2. Previously unidentified pollutants in existing discharges? ☐ yes ☒ no
If "yes" what & where?

--
3. Evidence of, or the potential for, pollutants entering drainage system? ☐ yes ☒ no
If "yes" what & where?

--
4. Evidence of pollutants discharging to receiving waters? ☐ yes ☒ no
If "yes" what & where?

--
5. Conditions requiring corrective action? ☒ yes ☐ no
If "yes" what & where?

See items previously noted in this report.
--
6. Conditions requiring additional control measures? ☐ yes ☒ no
If "yes" what & where?

--

SWP3 - Annual Comprehensive Site Compliance Inspection Form

Corrective Action(s) Required:	Date completed

Revisions Required to the Pollution Prevention Plan:

SWP3 Site Map needs to be updated.
Outfall 002 should be eliminated.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Date: _____

This report shall either be included as part of the SWP3 or referenced in the SWP3 and be made readily available for inspection and review by authorized TCEQ personnel upon request.

ATTACHMENT 7

Oscar Ayala

From: Wade Carroll [REDACTED]
Sent: Thursday, April 3, 2025 3:36 PM
To: Oscar Ayala
Subject: Hallett Materials
Attachments: 2024 ASCE Porter.pdf; Hallett Inspection 3-26-25.pdf; Hallett Inspection 4-3-25.pdf

Oscar,

Please see the attached 2024 Annual Comprehensive Site Compliance as well as our 2 most recent Inspection Reports. We mailed in the Noncompliance Notification per the instructions provided at the bottom.

Please let us know if you require any additional information.

Best Regards,

Wade Carroll
Hallett Materials
Cell: (281)-898-2306
Office: (281)-354-2215

Construction SWP3 - Inspection Report Form

TO BE COMPLETED EVERY 7 DAYS or EVERY 14 DAYS AND WITHIN 24
HOURS OF A RAINFALL EVENT OF 0.5 INCHES OR MORE

Section A

By: Larry Winzer Jr.

Date: 3-26-25

Qualifications: Plant Manager

Time: 11AM

Weather Conditions: overcast

Inspection for evidence of, or the potential for, pollutants entering the drainage system.

Areas of concern include:

- Exposed Materials storage areas
- Fuel storage/dispensing areas
- Disturbed areas of the site that have not been finally stabilized
- Structural controls (berms, ponds, sumps, diversion ditches, silt fences, aggregate filters, etc.)
- Maintenance areas
- Vehicle and equipment parking areas

Section B

VISUAL INSPECTION CHECKLIST

DID YOU OBSERVE (check the boxes that are applicable):

Location

- | | |
|---|-------|
| <input type="checkbox"/> Evidence of erosion? | _____ |
| <input type="checkbox"/> Discharge(s) of sediment or pollution from the site? | _____ |
| <input type="checkbox"/> Sediment and Erosion controls not operating correctly? | _____ |
| <input type="checkbox"/> Additional Control(s) needed? | _____ |
| <input type="checkbox"/> Control(s) in need of repair or maintenance? | _____ |
| <input type="checkbox"/> Intentionally disabled, run-over, or removed control(s)? | _____ |
| <input type="checkbox"/> Silt fencing - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Rock Rubble Dam - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Earth Dike - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Earth dike not stabilized? | _____ |
| <input type="checkbox"/> Sediment basin - Is there evidence of overtopping or washout? | _____ |
| <input type="checkbox"/> Sediment basin capacity less than 50% than original design? | _____ |
| <input type="checkbox"/> Evidence of off-site tracking from entrance/exit? | _____ |
| <input type="checkbox"/> Evidence of poor Housekeeping? | _____ |
| <input type="checkbox"/> (Other) | _____ |

☒ Check this box if no incidents of noncompliance were noted during the inspection and refer to Section E.

WHO WAS NOTIFIED?

DATE NOTIFIED?

SIGNATURE:

Section C**CORRECTIVE ACTION TAKEN:**

If BMPs must be modified or additional BMPs are necessary, include implementation schedule.

Section D**MODIFICATIONS REQUIRED TO THE SWP3:**

Modifications/Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection.

Section E

Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and TXR150000 Permit. The report must be signed by the person and in the manner required by 30 TAC 305.128 (relating to Signatories to Reports).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true and accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:**Date:**


3-26-25

Construction SWP3 - Inspection Report Form

TO BE COMPLETED EVERY 7 DAYS or EVERY 14 DAYS AND WITHIN 24
HOURS OF A RAINFALL EVENT OF 0.5 INCHES OR MORE

Section A

By: Enrique Gaytan
Qualifications: Plant Manager

Date: 04/03/25
Time: 3:21

Weather Conditions: Partly cloudy, windy

Inspection for evidence of, or the potential for, pollutants entering the drainage system.

Areas of concern include:

- Exposed Materials storage areas
- Fuel storage/dispensing areas
- Disturbed areas of the site that have not been finally stabilized
- Structural controls (berms, ponds, sumps, diversion ditches, silt fences, aggregate filters, etc.)
- Maintenance areas
- Vehicle and equipment parking areas

Section B

VISUAL INSPECTION CHECKLIST

DID YOU OBSERVE (check the boxes that are applicable):

Location

- | | |
|---|-------|
| <input type="checkbox"/> Evidence of erosion? | _____ |
| <input type="checkbox"/> Discharge(s) of sediment or pollution from the site? | _____ |
| <input type="checkbox"/> Sediment and Erosion controls not operating correctly? | _____ |
| <input type="checkbox"/> Additional Control(s) needed? | _____ |
| <input type="checkbox"/> Control(s) in need of repair or maintenance? | _____ |
| <input type="checkbox"/> Intentionally disabled, run-over, or removed control(s)? | _____ |
| <input type="checkbox"/> Silt fencing - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Rock Rubble Dam - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Earth Dike - Is there evidence of washout or overtopping? | _____ |
| <input type="checkbox"/> Earth dike not stabilized? | _____ |
| <input type="checkbox"/> Sediment basin - Is there evidence of overtopping or washout? | _____ |
| <input type="checkbox"/> Sediment basin capacity less than 50% than original design? | _____ |
| <input type="checkbox"/> Evidence of off-site tracking from entrance/exit? | _____ |
| <input type="checkbox"/> Evidence of poor Housekeeping? | _____ |
| <input type="checkbox"/> (Other) | _____ |

☒ Check this box if no incidents of noncompliance were noted during the inspection and refer to Section E.

WHO WAS NOTIFIED?

DATE NOTIFIED?

SIGNATURE:

Section C**CORRECTIVE ACTION TAKEN:**

If BMPs must be modified or additional BMPs are necessary, include implementation schedule.

Section D**MODIFICATIONS REQUIRED TO THE SWP3:**

Modifications/Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection.

Section E

Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and TXR150000 Permit. The report must be signed by the person and in the manner required by 30 TAC 305.128 (relating to Signatories to Reports).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true and accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:**Date:**

B. C. R. V. G.
4/3/25

Oscar Ayala

From: Kyle Linville
Sent: Thursday, April 3, 2025 4:44 PM
To: Oscar Ayala
Cc: Westin Massey
Subject: FW: Hallett Materials - Noncompliance Notification
Attachments: Hallett Materials - Noncompliance Notification.pdf

FYI.

From: R12WQ <R12WQ@tceq.texas.gov>
Sent: Thursday, April 3, 2025 4:39 PM
To: Kyle Linville <Kyle.Linville@tceq.texas.gov>
Subject: FW: Hallett Materials - Noncompliance Notification

FYI- I think this is for that APO that has had some complaints lately.



Elaine Fowler, M.S

Water Quality Team Leader
Texas Commission on Environmental Quality
Region 12 · Houston · Water Section
Cell: 832-963-2972 · Direct: 713-767-3548
How is our customer service? <https://www.tceq.texas.gov/customersurvey>
The TCEQ has inspected my business- what now?
<https://www.tceq.texas.gov/downloads/publications/rg/the-tceq-has-inspected-your-business-rg-344.pdf/view>

From: Wade Carroll [REDACTED]
Sent: Thursday, April 3, 2025 3:40 PM
To: R12WQ <R12WQ@tceq.texas.gov>
Subject: Hallett Materials - Noncompliance Notification

Hello,

Please see the attached Noncompliance Notification. Please let me know if you require any additional information.

Best Regards,

Wade Carroll

Hallett Materials

Cell: (281)-898-2306

Office: (281)-354-2215

Water Quality Noncompliance Notification

See back of Form for Guidance for Completion

☒ **Unauthorized Discharge**

☐ **Reportable Effluent Violation**

☐ **Other**

General Information

Entity Name: RGI Materials, INC. - Porter Plant

Telephone No (#####): 2818982306

☒ **Permittee**

TCEQ Region: Hou - R12

County: MONTGOMERY

***Permit Number:** TXR05U571

☐ **Subscriber**

Noncompliance Summary

Description and Cause of Noncompliance (include location, discharge route, and estimated volume of unauthorized discharge):

Unauthorized discharge out of the East side of our East pond. Discharged water breached our levy and traveled South off our property and into the ponds located South of our East pond. Unknown volume on discharged water due to prompt closure of the known breach and no measurement taken.

Duration:

Start Date: Unknown

End Date: 2/26/25

Or

Date Expected to be Corrected:

Time:

Time: 21:00

Potential Danger to Human Health and Safety or the Environment:

None known.

Actions Taken

Monitoring Data: Data should be attached or submitted to TCEQ when available.

Field Measurements

Laboratory Samples

Fish Kill(If yes, estimated number killed):

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

Actions Taken to Mitigate Adverse Effects:

Below actions mitigated any potential adverse effects and none are anticipated.

Actions Taken to Correct the Problem and Prevent Recurrence:

Immediate correction by adding material at berm breach. We have continued our efforts by building our road up 2ft higher and 40 feet wide in addition to building a larger berm between the road and the pit. Road access has greatly increased which will allow us to monitor this part of the lake by vehicle going.

Verification Information

Information Reported By (Name/Title): Wade Carroll - Sales Manager

Date Reported: 3/27/25

Signature:



Note: If this form is being used for a 5-day written report, a copy of the form should be sent to the TCEQ Region Office, and the original to: TCEQ, Compliance Monitoring Team (MC224), Enforcement Division, P.O. Box 13087, Austin, TX 78711-3087.

* If the noncompliance is an unauthorized discharge from a wastewater collection system, use the permit number of the treatment plant to which the collection system is tied. If you are uncertain of this permit number, you may call the TCEQ Regional Office for assistance.



Guidance - Water Quality Noncompliance Notification Form

When reporting an unauthorized discharge or sanitary sewer overflow (SSO), it is important to include all information that is requested on the notification form. If you have questions about the form, do not hesitate to call your TCEQ Regional Office and ask to speak to a wastewater investigator. All information should comply with reporting requirements noted in Texas Water Code Section 26.039, 30 Texas Administrative Code (TAC) Section 305.125(9), and, if applicable, 30 TAC Section 319.302(b).

This form may be used as the 24-hour notification to the Regional Office and may also be used as the 5-day written report. If the event was reported within 24 hours via phone, or an incomplete form was submitted as part of the 24-hour reporting requirement, you must fax or mail a completed, signed copy within 5 days to the Water Section Manager at your TCEQ Regional Office. The original, signed copy should be mailed to the address located at the bottom of the form.

Unauthorized Discharge - An unauthorized discharge is any discharge of wastewater into or adjacent to waters in the state at a location not permitted as an outfall. An SSO is any overflow, regardless of volume, from a sewer collection system (i.e., lift stations, manholes, force mains, cleanouts, service lines). An SSO is considered to be an **"unauthorized discharge."**

General Information

"Entity name" is your permitted name (owner name for subscriber systems). Designate with an "X" or "✓" to identify whether you are a permittee or subscriber.

Permit Number - Include your TCEQ WQ permit number (i.e., WQ0012345001). If you are a **subscriber**, use the permit number of the treatment plant to which the collection system is tied. If the WQ permit is unknown, please call the TCEQ Regional Office for assistance.

Noncompliance Summary

Description of Noncompliance:

- Location & collection system structure (i.e., Manhole at 650 Main St.)
- Route of discharge - Follow the discharge from its origin to where it was contained or entered a receiving waterway. If the receiving waterway is unnamed, provide the name of the nearest named adjoining waterway. (Examples: soaked into ground; manhole → nearby storm ditch → unnamed tributary of Kings Creek)
- Estimated amount of the discharge (includes any recovered amount)

Cause of Noncompliance: Why did this incident occur? Was it caused by grease, blockage, infiltration or inflow, equipment failure, structural failure, power outage, vandalism, human error, contractor, unknown?

Duration: Include dates and times.

Potential Danger to Human Health & Safety or the Environment: Any danger to the aforementioned should be promptly discussed with the TCEQ Regional Office. Additional notifications may be necessary.

Actions Taken

Monitoring Data: Designate with an "X" or "✓."

Actions taken to Mitigate Adverse Effects: Ask yourself, "How did we keep this from becoming an environmental or health problem?" Include information such as:

- amount recovered from the total estimated amount stated under the description above
- method used to recover the wastewater
- treatments used for disinfection or deodorizing
- activities to lessen impact to property, a waterway, or public health

Actions taken to correct the problem and prevent recurrence: Ask yourself, "How did we address the direct cause of the overflow, and was there anything else we did to prevent this noncompliance from occurring again?" Include actions such as:

- jetting the main
- educating residents about proper grease disposal
- adding the location to your preventative maintenance list
- repairing equipment, circuits, or replacing lines, etc.

Verification Information

Information Reported By: Include both your name and title. Please sign and date the form.

ATTACHMENT 8

Oscar Ayala

From: Danielle Clements
Sent: Wednesday, April 23, 2025 4:32 PM
To: [REDACTED]
Cc: Oscar Ayala; Ecko Beggs
Subject: RE: TXR05U571 NONC
Attachments: doc02346920250423162944.pdf

Importance: High

Our Admin staff was able to locate it and it was date stamped on 04/08/2025 (see attached)

*Thanks,
Danielle Clements
Acting Team Leader
ICIS-NPDES Coordinator
Enforcement Team 7
512-239-3205*

From: [REDACTED]
Sent: Wednesday, April 23, 2025 3:57 PM
To: Danielle Clements <danielle.clements@tceq.texas.gov>
Cc: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Subject: RE: Hi Melissa

Danielle, thanks for the assistance. See attached.

RH

Richard A. Hyde, P.E.
President
The HRC Group
(512) 536-0959
[REDACTED]

Statement of Confidentiality:

This message may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Danielle Clements <danielle.clements@tceq.texas.gov>
Sent: Wednesday, April 23, 2025 2:02 PM
To: [REDACTED]
Cc: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Subject: RE: Hi Melissa

3:45 pm today sounds fine 😊

Danielle Clements
Acting Team Leader
ICIS-NPDES Coordinator
Enforcement Team 7
512-239-3205

Sent: Wednesday, April 23, 2025 2:01 PM
To: Danielle Clements <danielle.clements@tceq.texas.gov>
Cc: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Subject: RE: Hi Melissa

Up to you.. I can give you a call around 3:45 today if that would work?

RH

Richard A. Hyde, P.E.
President
The HRC Group
(512) 536-0959
[REDACTED]

Statement of Confidentiality:

This message may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Danielle Clements <danielle.clements@tceq.texas.gov>
Sent: Wednesday, April 23, 2025 1:53 PM
To: [REDACTED]
Cc: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Subject: RE: Hi Melissa

Hi Mr. Hyde-

I should be out of my meetings today by 3:30pm and I am free from 9am - 11am tomorrow morning. Would you like me to put an appointment on my calendar for a call?

Thanks,
Danielle Clements
Acting Team Leader
ICIS-NPDES Coordinator
Enforcement Team 7
512-239-3205

From: [REDACTED]
Sent: Wednesday, April 23, 2025 1:42 PM
To: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Cc: Danielle Clements <danielle.clements@tceq.texas.gov>
Subject: RE: Hi Melissa

Great and thanks.. Danielle, let me know a convenient time to give you a call. I have one quick question for a client.

RH

Richard A. Hyde, P.E.
President
The HRC Group
(512) 536-0959
[REDACTED]

Statement of Confidentiality:

This message may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Sent: Wednesday, April 23, 2025 1:33 PM
To: [REDACTED]
Cc: Danielle Clements <danielle.clements@tceq.texas.gov>
Subject: Re: Hi Melissa

Hi,

Danielle Clements is our contact for the CMC Team. She is copied on this email.

Thanks,
Melissa Cordell


Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Wednesday, April 23, 2025 11:54:34 AM
To: Melissa Cordell <Melissa.Cordell@tceq.texas.gov>
Subject: Hi Melissa

Do you have a contact for the Compliance Monitoring Team? I have a question for a client. Thanks in advance.

RH

Richard A. Hyde, P.E.
President

The HRC Group
(512) 536-0959


Statement of Confidentiality:

This message may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Water Quality Noncompliance Notification

See back of Form for Guidance for Completion

☒ **Unauthorized Discharge**

☐ **Reportable Effluent Violation**

☐ **Other**

General Information

Entity Name: RGI Materials, INC. - Porter Plant

Telephone No (#####): 2818982306

☒ **Permittee**

TCEQ Region: Hou - R12

County: MONTGOMERY

***Permit Number:** TXR05U571

☐ **Subscriber**

Noncompliance Summary

Description and Cause of Noncompliance (include location, discharge route, and estimated volume of unauthorized discharge):

Unauthorized discharge out of the East side of our East pond. Discharged water breached our levy and traveled South off our property and into the ponds located South of our East pond. Unknown volume on discharged water due to prompt closure of the known breach and no measurement taken.

Duration:

Start Date: Unknown

End Date: 2/26/25

Or

Date Expected to be Corrected:

Time:

Time:

21:00

25 APR 8 3:51 PM

Potential Danger to Human Health and Safety or the Environment:

None known.

Actions Taken

Monitoring Data: Data should be attached or submitted to TCEQ when available.

Field Measurements

Laboratory Samples

Fish Kill (If yes, estimated number killed):

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

Actions Taken to Mitigate Adverse Effects:

Below actions mitigated any potential adverse effects and none are anticipated.

Actions Taken to Correct the Problem and Prevent Recurrence:

Immediate correction by adding material at berm breach. We have continued our efforts by building our road up 2ft higher and 40 feet wide in addition to building a larger berm between the road and the pit. Road access has greatly increased which will allow us to monitor this part of the lake by vehicle going

Verification Information

Information Reported By (Name/Title): Wade Carroll - Sales Manager

Date Reported: 3/27/25

Signature:

Note: If this form is being used for a 5-day written report, a copy of the form should be sent to the TCEQ Region Office, and the original to: TCEQ, Compliance Monitoring Team (MC224), Enforcement Division, P.O. Box 13087, Austin, TX 78711-3087.

* If the noncompliance is an unauthorized discharge from a wastewater collection system, use the permit number of the treatment plant to which the collection system is tied. If you are uncertain of this permit number, you may call the TCEQ Regional Office for assistance.

ATTACHMENT 9

Oscar Ayala

From: Wade Carroll [REDACTED]
Sent: Wednesday, April 2, 2025 9:11 AM
To: Oscar Ayala
Subject: RGI Hallett Materials - TCEQ
Attachments: RGI Porter Plant Exit Interview.pdf; Noncompliance Notification_3-31-25.pdf; TCEQ Presentation Final May 1.pptx; Sampling Plan Cover Letter 08012021.pdf

Oscar,

Good Morning – please see our response to the Porter exit interview that you provided on March 7, 2025. In addition to the response, we have included our non-compliance notification as well as supplement documents relevant to our response. Should you have any questions or concerns, please feel free to reach out.

Best Regards,

Wade Carroll
Hallett Materials
Cell: (281)-898-2306
Office: (281)-354-2215

04/02/2025

Mr. Oscar Ayala
Texas Commission on Environmental Quality—Region 12
5425 Polk St., Ste H
Houston, TX 77023-1452

Via email: Oscar.Ayala@tceq.texas.gov

Re: Porter Plant, RN105195127, TXR05U571

Dear Mr. Ayala:

Thank you for your communication of March 7, 2025, transmitting the TCEQ Exit Interview Form. The purpose of this letter is to update you on our progress toward addressing the Potential Violations (PVs) identified in the Exit Interview. The Rasmussen Group (RGI) is fully committed to achieving compliance and cooperating with the Texas Commission on Environmental Quality. Our goal is, to the best of our ability, to resolve these PVs at the regional level.

Background

RGI has worked proactively with TCEQ since 2019 to address conditions at the plant. In April 2020, RGI began proactive engagement with TCEQ to work collaboratively to identify viable long-term engineering-based solutions to address flooding issues on the RGI plant site, achieve and maintain ongoing compliance, and assist in protection of the San Jacinto River water quality.

Throughout this effort, and to ensure direct communication with all appropriate TCEQ programs, RGI sought the inclusion of staff from the Houston Regional Office (including the Small Business and Local Government Assistance Program) and the Water Quality Division. RGI briefed senior TCEQ management, including the then TCEQ Executive on May 1, 2020, and there have been numerous subsequent discussions.

During this engagement with TCEQ, RGI demonstrated two key findings. First, that drainage from a 500-acre adjacent subdivision floods RGI's site during significant rainfall events. RGI engaged Westward Environmental in February 2019 to conduct a thorough Storm Drainage Analysis. Westward's composite elevation model and study showed that the Summer Hills

subdivision is draining on to RGI's property. In order to mitigate this flooding, RGI helped improve drainage on Hill Road, added pumps, and built berms

Second, RGI demonstrated that the frequency of historic crests from the San Jacinto has increased over time. This has been caused by a variety of factors, including local development, changes in land-use and drainage, and impervious cover. It is important to note that many of these changes occurred in the decades since the RGI site was first developed in the early 1980's.

RGI also worked with Westward Environmental to develop a closure plan for portions of the Porter Plant. This plan resulted in the conversion of the "Louisiana Pond" to a stormwater only pond. Working with TCEQ, RGI developed a sampling plan to monitor water quality from that pond. RGI certified compliance in March 2023. RGI again thanks TCEQ for its assistance with coming into compliance.

A copy of the final presentation provided to TCEQ management is attached for your review that disuses the two key findings in detail. We have also attached the final letter from RGI to TCEQ that describes all of the efforts that were undertaken to complete the above-mentioned closure plan. We are also willing to discuss any of this with you if needed. Finally, Hallett Materials is participating in a multiyear study with the San Jacinto River Authority to develop possible Sand Traps for nonutilized sand pits. Site selections and on-site studies with Freese and Nichols Engineering in conjunction with SJRA, are ongoing with a recent site study conducted on March 3, 2025. The focus of this study is locating sediment trapping facilities along the West Fork San Jacinto River to reduce sediment loads flowing into Lake Houston.

Update on PVs

RGI acknowledges that personnel changes at the plant have challenged continuity in compliance assurance. We are committed to addressing those issues as quickly as possible. Below please find our update on each PV.

PV 1 and PV 2 (relating to failure to prevent the unauthorized discharge of process water, and failure to maintain structural controls). At this time, we are building up the road two (2) feet higher and 40 feet wide. We will also build a berm between the road and the pit. Work is ongoing. Below, please see images showing the work that has been done. We respectfully request that these PVs be resolved.





PV 3 (relating to failure to inspect structural controls once every seven calendar days).

RGI has contracted with Westward Environmental to conduct comprehensive training on compliance with the Stormwater Multi-Sector General Permit for Industrial Facilities (TXR050000); 30 Texas Administrative Code Chapter 311, Subchapter J (Best Management Practices for Sand Mining Facility Operations Within the San Jacinto River Basin); and our duly signed and certified Mine Plan, as required by 30 TAC §311.103(h). RGI also commits to conducting aerial inspections as soon as practicable after any significant rainfall round our plant site. We respectfully request that this PV be resolved.

PV 4 (relating to failure to submit a non-compliance notification). Enclosed please find the required Water Quality Noncompliance Notification (TCEQ Form 00501). RGI added material to the berm breach, and as noted above, we have continued our efforts by making changes to the road. Road access has greatly increased, and this will allow us to monitor this part of the process pond by vehicle going forward. We respectfully request that this PV be resolved.

PV 5 (relating to failure to submit a Notice of Change (NOC) when relevant information provided in a Notice of Intent changes). RGI submitted the NOC to TCEQ on March 12, 2025. Please see the attached copy of the record. We respectfully request that this PV be resolved.

PV 6 (relating to failure to conduct the annual comprehensive site compliance evaluation). Westward Environmental conducted the Annual Comprehensive Site Compliance evaluation on November 13, 2024. Please see the attached inspection form. We respectfully request that this PV be removed from the list of potential violations.

Thank you for the opportunity to provide this information. If you have any questions, please do not hesitate to contact me at [insert].

Sincerely,

[insert name and title]

Enclosures

ATTACHMENT 10

Oscar Ayala

From: Wade Carroll [REDACTED]
Sent: Thursday, April 24, 2025 12:08 PM
To: Oscar Ayala
Subject: Hallett Westward Training
Attachments: Notification Form with TCEQ Stamp Date.pdf; SWP3 and Mining Plan Training Signup Sheet.pdf

Dear Mr. Ayala,

Please see the attached email from Mrs. Danielle Clements, TCEQ Acting Team Leader ICIS-NPDES Coordinator Enforcement Team 7, relating to the submittal of the Water Quality Noncompliance Notification Form. The form was received by TCEQ on April 8, 2025. I have attached a PDF of her email for your records. Also, please see the attached documentation of our most recent Storm Water and San Jacinto Mining Plan training held on April 23, 2025. As noted on the form, the goals of the training were to discuss SWP3 Goals, Housekeeping, Materials Management, How to Contact the Pollution Prevention Team, Spill Prevention Methods, Response and Cleanup, Reporting and Recordkeeping. Our goal is always compliance, and we want to demonstrate our commitment to you through our continued actions. Please don't hesitate to contact me if you have any further questions or concerns.

Best Regards,

Wade Carroll
Hallett Materials
Cell: (281)-898-2306
Office: (281)-354-2215

SWP3

Employee Training Form

- ☒ SWP3 Goals
- ☒ Good Housekeeping
- ☒ Materials Management & Handling
- ☒ Other Record Keeping

- ☒ Contacting the Pollution Prevention Team
- ☒ Spill Prevention Methods
- ☒ Spill Response & Clean-up
- ☒ Spill Reporting

Employees:

Deanna Loria

Steven Hein

Karl Rasmussen

Brian Martinez

Carl Lee

Homero Gaytan

Ernesto Lopez

Date: 4/23/25

By: Westward Environmental Signature: Boz H

Records of training activities and attendance lists must be maintained in the SWP3.

ATTACHMENT 11

Oscar Ayala

From: Wade Carroll [REDACTED]
Sent: Tuesday, June 17, 2025 9:42 AM
To: Oscar Ayala
Subject: Hallett Materials
Attachments: Drone 1.JPG; Drone 2.jpg; Drone 3.jpg; Drone 4.jpg; Drone 5.jpg; Drone 6.jpg

Mr. Ayala,

We wanted to provide you an update on our progress toward addressing Potential Violations 1 and 2, relating to failure to prevent the unauthorized discharge of process water, and failure to maintain structural controls. Attached please find photos we took via drone on May 22, 2025, that show ongoing work to build up the road and berm around the property. In particular, please note our upgrade to berming that has been done along the roadway.

Thank you for your consideration. If you have any questions or require more information, please do not hesitate to let me know.

Best Regards,

Wade Carroll
Hallett Materials
Cell: (281)-898-2306
Office: (281)-354-2215













Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 9, 2025

Mr. Karl Rasmussen
Sr. Financial Analyst
RGI Materials, Inc.
PO Box 329
Porter, Texas 77365-0329
Via Email

Re: Notice of Violation for the Complaint Investigation at:
Porter Plant, 18185 Hill Road, Porter, Montgomery County, Texas
Regulated Entity No.: 105195127, TCEQ ID No.: AP0001605, TXR05U571
Investigation No.: 2047649

Dear Mr. Rasmussen:

On February 26, 2025, and February 27, 2025, Mr. Oscar Ayala of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for aggregate production operations. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliances that have been resolved as a Resolved Violations based on subsequent corrective action.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <https://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 or the Central Office Publications Ordering Team at (512) 239-0028. This investigation was the result of a complaint. For information regarding our complaint policies and procedures, please refer to the following website: <https://www.tceq.texas.gov/compliance/complaints>.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, Water Section Team Leader, Ms. Elaine Fowler, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Karl Rasmussen
Page 2
September 9, 2025

If you or members of your staff have any questions, please feel free to contact Mr. Ayala in the Houston Region Office at (713) 767-3663.

Sincerely,

Kadrienn Woodard

Kadrienn Woodard
Water Section Program Coordinator
Houston Region 12
Texas Commission on Environmental Quality

KW/OA/kg

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

PORTER PLANT

Investigation # 2047649

18185 HILL RD

Investigation Date: 02/26/2025

PORTER, MONTGOMERY COUNTY, TX 77365

Additional ID(s): AP0001605
TXR05U571

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 911418

TWC Chapter 26.121

Alleged Violation:

Investigation: 2047649

Comment Date: 06/23/2025

Failure to prevent the unauthorized discharge of process water.

Specifically, during the investigation it was noted that process water was discharging offsite from the site's eastern pond which ultimately discharged into the West Fork San Jacinto River.

According to the Texas Water Code Chapter 26.121(a)(2), except as authorized by the commission, no person may discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state.

Recommended Corrective Action: Documentation must be submitted to the TCEQ Houston Region Office indicating that the unauthorized discharge of process water has ceased at the Porter Plant site.

Resolution: On February 27, 2025, the investigator had noted while onsite that the Porter Plant site had ceased the unauthorized discharge of process water.

Track No: 911425

30 TAC Chapter 311.103(b)

Alleged Violation:

Investigation: 2047649

Comment Date: 03/03/2025

Failure to maintain structural controls.

At the time of the investigation, the berm of the site's eastern pond was not maintained to prevent the discharge of process water.

Recommended Corrective Action: Documentation must be submitted to the TCEQ Houston Region Office indicating that the berm of the site's eastern pond is being maintained.

Resolution: On February 27, 2025, the investigator had noted while onsite that the Porter Plant site had repaired the berm of its eastern pond.

Track No: 911426

30 TAC Chapter 311.103(b)

30 TAC Chapter 311.103(j)

Alleged Violation:

Investigation: 2047649

Comment Date: 03/03/2025

Failure to inspect structural controls once every seven calendar days.

During the investigation, the investigator requested the regulated entity to provide the inspection

reports for the site's structural controls. No weekly inspection reports were provided.

Recommended Corrective Action: Documentation must be submitted to the TCEQ indicating that the site is inspecting their structural controls every seven calendar days.

Resolution: On April 3, 2025, documentation was submitted to the TCEQ indicating that the site is inspecting their structural controls every seven calendar days.

Track No: 911429

30 TAC Chapter 281.25(a)(4)

30 TAC Chapter 305.125(9)

PERMIT TXR05U571, Part III. Section E.b

Alleged Violation:

Investigation: 2047649

Comment Date: 03/03/2025

Failure to submit a non-compliance notification.

Specifically, the regulated entity had not submitted a Water Quality Noncompliance Notification to the TCEQ within five days of becoming aware of the noncompliance.

Recommended Corrective Action: A written submission of the noncompliance must be submitted to the TCEQ Enforcement Division (MC-224) and the TCEQ Houston Region Office.

Resolution: On April 3, 2025, and April 23, 2025, documentation was submitted to the TCEQ Houston Region office indicating that a written submission of noncompliance was submitted to the TCEQ Enforcement Division (MC-224) and the TCEQ Houston Region Office.

Track No: 911906

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05CM29, Part II. Section C.6

Alleged Violation:

Investigation: 2047649

Comment Date: 03/07/2025

Failure to submit a Notice of Change (NOC) when relevant information provided in the Notice of Intent (NOI) changes.

The NOI for TPDES Permit No. TXR05U571 indicated that Mr. Jacob McCurry is the responsible authority contact. At the time of the investigation, the investigator was notified by the regulated entity that Mr. McCurry was no longer the responsible authority contact.

Recommended Corrective Action: Documentation must be submitted to the TCEQ indicating that a NOC was submitted for the change of the regulated entity's responsible authority contact.

Resolution: On March 13, 2025, documentation was submitted to the TCEQ Houston Region indicating that the site submitted a NOC on March 12, 2025, to update the regulated entity's responsible authority contact.