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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2025

Mr. Bob Rehak

[REDACTED]

Via email

Re: Investigation Request at:
Generic Incident Zip Code 77302, Approximate GPS Coordinates (30.174201, -95.377609), Conroe, Montgomery County, Texas 77302
RN: 104044409, Investigation No.: 2091112, Incident No.: 445340

Dear Mr. Rehak:

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has completed a final investigation in response to your concern regarding the unauthorized discharge of sediment. Enclosed is a copy of the investigation report.

To access a copy of our complaint policies and procedures or to track your complaint using Complaint Tracking Number 445340 you may refer to our website:
<https://www.tceq.texas.gov/compliance/complaints>.

We appreciate your concern in bringing this matter to our attention. If we can be of further assistance, please contact Mr. Oscar Ayala in the Houston Region Office at 713-767-3663.

Sincerely,

Kyle Linville

Kyle Linville
Water Section Team Leader
Houston Region 12

KL/OA/pd

Enclosure: Copy of Investigation Report

Texas Commission on Environmental Quality Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

**Customer: Generic Incident Principal
Customer Number: CN602295370**

Regulated Entity Name: GENERIC INCIDENT ZIP CODE 77302

Regulated Entity Number: RN104044409

Investigation # 2091112

Incident Numbers

Incident 445,337	Incident 445,335
Incident 445,338	Incident 445,340

Investigator: OSCAR AYALA

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

Supervisor: KYLE LINVILLE **Approved Date:** 12-30-2025

Conducted: 08/25/2025 -- 08/25/2025

No Industry Code Assigned

Program: WASTEWATER

Program: AGGREGATE PRODUCTION OPERATION

Program: STORMWATER

Investigation Type : Compliance Investigation

Location :

Additional ID

Address: ; **City , State Zip**

Local Unit : REGION 12 - HOUSTON

Activity Type: APO - An activity code used to identify an investigation related to Aggregate Production Operations. This activity code can be associated to any investigation type for any media that is directly related to an aggregate production operation. It is not necessary

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

Principal(s):

Role RESPONDENT

Name GENERIC INCIDENT PRINCIPAL

Contact(s):

Role REGULATED

Name MR Andrew Shebay IV

ENTITY

CONTACT

Title MANAGING MEMBER

Phone Number for Phone is (832) 329-9373

End of record for this contact

Other Staff Member(s):

Role	Investigator	Name	ISABELLA RASCHKE
Role	Investigator	Name	MIKAIEL KHAN
Role	Investigator	Name	EMMANUEL AWE
Role	QA Reviewer	Name	CHARLIE THOMAS
Role	Supervisor	Name	KYLE LINVILLE
Role	Investigator	Name	XOCHITLINDA GONZALEZ
Role	Investigator	Name	JINS JAMES

Associated Check List

Checklist Name WQ COMPLAINT INVESTIGATION

Unit Name Complaint

Checklist Name WATER EQUIPMENT

Unit Name Equipment

Investigation Comments:**INTRODUCTION**

On August 25, 2025, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received four complaints (Incident Nos. 445335, 445337, 445338, and 445340) alleging an unauthorized discharge of sediment. The alleged complaints are located at approximate GPS Coordinates (30.174201, -95.377609), Conroe (Montgomery County), Texas 77385 (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 alleged incident location on August 25, 2025, by Mr. Mikaiel Khan, Mr. Emmanuel Awe, Ms. Isabella Raschke, and Ms. Xochitlinda Gonzalez, 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.

Based on the findings of this investigation, no active APO activities were noted and no alleged violations are being issued; therefore, neither a TCEQ Exit Interview Form nor a TCEQ Letter were issued. A letter with a copy of the investigation report was sent to each of the complainants.

BACKGROUND

A TCEQ Consolidated Compliance and Enforcement Data System (CCEDS) search and database review was conducted pursuant to this investigation. Five previous investigations were conducted at the incident location within the five years preceding the date of the current investigation.

Investigation 1735190 was conducted on June 3, 2021. No issues were noted.

Investigation 1788085 was conducted on January 20, 2022. No issues were noted.

Investigation 1825153 was conducted on June 27, 2022. No issues were noted.

Investigation 1937229 was conducted on October 23, 2023. During the investigation, Mr. Visham Seunarine, Environmental Professional IV with Heidelberg Materials Southwest, LLC, stated that mining operations had ceased, and the property had been sold. No issues were noted.

Investigation 2034973 was conducted on January 3, 2025. No issues were noted.

GENERAL FACILITY AND PROCESS INFORMATION

The alleged concern is located at approximate GPS Coordinates (30.174201, -95.377609), Conroe (Montgomery County), Texas 77385 (Attachment 1: Vicinity Map). At the time of the investigation no active APO activity was occurring at the location of the incident. According to the Montgomery County Appraisal District, the land near the incident location was sold to AGS Unlimited Montgomery, LLC on August 1, 2025 (Attachment 2: Montgomery County Appraisal District Property Search).

Stormwater from the alleged incident location flows to the West Fork San Jacinto River, Stream Segment No. 1004, of the San Jacinto River Basin.

COMPLAINT INVESTIGATION DESCRIPTION

On August 25, 2025, Mr. Khan, Mr. Awe, Ms. Raschke, and Ms. Gonzalez arrived at the incident location. The investigators documented a washout near the northwestern corner of the pond located at approximate GPS Coordinates (30.174201, -95.377609) (Attachment 3: Investigation Photographs). At the time of the investigation, no active mining appeared to be occurring. While onsite, the investigators spoke with an individual who was on-site who provided contact information for Mr. Andrew Shebay IV, Managing Member of AGS Unlimited Montgomery, LLC.

ADDITIONAL INFORMATION

On September 2, 2025, Mr. Jins James, Environmental Investigator with the TCEQ Houston Region Office, spoke with Mr. Shebay, via phone, to discuss site conditions at the incident location. Mr. Shebay explained the washout was an unforeseen incident and he had discussions with the Montgomery County Floodplain Administration and the United States Army Corps of Engineers about managing the situation. He also stated that no mining activities are planned for the site. Furthermore, he stated that he will use the pond as a recreational pond for livestock management.

CONCLUSION

As a result of the investigation, a washout was identified at the incident location. Neither a TCEQ Exit Interview Form nor a TCEQ Letter were issued as a result of the investigation.

SUMMARY OF INVESTIGATION FINDINGS

No Violations Associated to this Investigation

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

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

Req or R. E. Q. stands for requirements

Checklist for different types of attachments

Attachments: (in order of final report submittal)

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

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

List of Attached files

Attachments 1-3.pdf