

**Executive Summary – Enforcement Matter – Case No. 59941**  
**Colony Ridge Development, LLC**  
**RN110510591, RN111077871, RN111077889, RN111077863, and RN111077855**  
**Docket No. 2020-1359-WQ-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Santa Fe, located east of Plum Grove Road and south of County Road 354 in Liberty County

Santa Fe Sections 5 and 6, located east of Farm-to-Market Road 3570 and Rio Grande Drive in Liberty County

Santa Fe Sections 7 and 8, located east of Farm-to-Market Road 3570 and Briana Drive in Liberty County

**Type of Operation:**

Residential construction site

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** January 21, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$29,100

**Amount Deferred for Expedited Settlement:** \$5,820

**Total Paid to General Revenue:** \$23,280

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 59941**  
**Colony Ridge Development, LLC**  
**RN110510591, RN111077871, RN111077889, RN111077863, and RN111077855**  
**Docket No. 2020-1359-WQ-E**

***Investigation Information***

**Complaint Date(s):** February 14, 2020 and March 2, 2020

**Complaint Information:** Alleged that silt and contaminants were eroding and flowing into the ditches.

**Date(s) of Investigation:** February 27, 2020 through July 27, 2020

**Date(s) of NOE(s):** September 22, 2020

***Violation Information***

Failed to install and maintain best management practices ("BMPs") at the Sites which resulted in a discharge of pollutants. Specifically, the investigator documented several large un-stabilized areas and inadequate BMPs and sediment accumulations in and around various un-stabilized drainage ditches, an unnamed creek, Rocky Branch Creek, and Long Branch Creek. Additionally, the investigator collected and analyzed stormwater samples, revealing elevated levels of total dissolved solids and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a); cancelled Texas Pollutant Discharge Elimination System General Permit Nos. TXR15343S, TXR1573CU, TXR1574CU, and TXR1572CU, Part III, Section F.2(a)(ii); and TPDES General Permit No. TXR1571CU, Part III, Section F.2(a)(ii)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days, evaluate the effectiveness of the Stormwater Pollution Prevention Plans, and make any necessary adjustments to the BMPs to prevent unauthorized discharges of sediment and sediment-laden stormwater from Section 8.

b. Within 45 days, submit written certification of compliance with a.

c. Within 60 days:

i. Remove sediment accumulations from the various on-site drainage ditches, the unnamed stream in the southeastern portion of Santa Fe, the unnamed creek in the northwestern portion of Section 5, and the on-site portions of Rocky Branch Creek and Long Branch Creek; and

**Executive Summary – Enforcement Matter – Case No. 59941**  
**Colony Ridge Development, LLC**  
**RN110510591, RN111077871, RN111077889, RN111077863, and RN111077855**  
**Docket No. 2020-1359-WQ-E**

- ii. Achieve final stabilization at Santa Fe, Section 5, Section 6, and Section 7.
- d. Within 75 days, submit written certification of compliance with c.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Monica Larina, Enforcement Division,  
Enforcement Team 1, MC 219, (512) 239-0184; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**TCEQ SEP Coordinator:**

**Respondent:** John Harris, President, Colony Ridge Development, LLC, P.O. Box  
9799, Huntsville, Texas 77340

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	28-Sep-2020	<b>Screening</b>	8-Oct-2020	<b>EPA Due</b>	
	<b>PCW</b>	27-Jul-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Colony Ridge Development, LLC				
<b>Reg. Ent. Ref. No.</b>	RN110510591 ("Santa Fe"), RN111077871 ("Section 5"), RN111077889 ("Section 6"), RN111077863 ("Section 7"), RN111077855 ("Section 8")				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59941	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1359-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$30,000
---	-------------------	----------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	<b>-3.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$900</b>
---------------------------	--------------	------------	--------------------------------	---------------

Notes: Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations. Reduction for High Performer classification.

<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------	-------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts: \$9,993  
Estimated Cost of Compliance: \$90,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$29,100</b>
-----------------------------	-----------------------	-----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>Subtotal</b>	<b>\$0</b>
---	-------------	------------	-----------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

	<b>Final Penalty Amount</b>	<b>\$29,100</b>
--	-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$29,100</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$5,820</b>
-----------------	--------------	-----------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$23,280</b>
------------------------	-----------------

Screening Date 8-Oct-2020

Docket No. 2020-1359-WQ-E

PCW

Respondent Colony Ridge Development, LLC

Policy Revision 4 (April 2014)

Case ID No. 59941

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110510591, RN111077871, RN111077889, RN111077863, RN111077855

Media Water Quality

Enf. Coordinator Caleb Olson

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -3%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% -3%

**Screening Date** 8-Oct-2020 **Docket No.** 2020-1359-WQ-E **PCW**  
**Respondent** Colony Ridge Development, LLC *Policy Revision 4 (April 2014)*  
**Case ID No.** 59941 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN110510591, RN111077871, RN111077889, RN111077863, RN111077855  
**Media** Water Quality  
**Enf. Coordinator** Caleb Olson

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1); Tex. Water Code § 26.121(a); cancelled Texas Pollutant Discharge Elimination System ("TPDES") General Permit Nos. TXR15343S, TXR1573CU, TXR1574CU, and TXR1572CU, Part III, Section F.2(a)(ii); and TPDES General Permit No. TXR1571CU, Part III, Section F.2(a)(ii)

**Violation Description**  
 Failed to install and maintain best management practices ("BMPs") at the Sites which resulted in a discharge of pollutants. Specifically, the investigator documented several large un-stabilized areas and inadequate BMPs and sediment accumulations in and around various un-stabilized drainage ditches, an unnamed creek, Rocky Branch Creek, and Long Branch Creek. Additionally, the investigator collected and analyzed stormwater samples, revealing elevated levels of total dissolved solids and total suspended solids, as shown in the attached stormwater sample results table.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**  
 Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="X"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Eight monthly events are recommended from the investigation start date (February 27, 2020) to the screening date (October 8, 2020).

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

Economic Benefit (EB) for this violation	Statutory Limit Test
<b>Estimated EB Amount</b> <input type="text" value="\$9,993"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$29,100"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$29,100"/>	

# Economic Benefit Worksheet

**Respondent** Colony Ridge Development, LLC  
**Case ID No.** 59941

**Reg. Ent. Reference No.** RN110510591, RN111077871, RN111077889, RN111077863,  
 RN111077855

**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	16-Jun-2020	9-May-2022	1.90	\$63	\$1,264	\$1,327
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$30,000	16-Jun-2020	8-Jun-2022	1.98	\$2,967	n/a	\$2,967
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	27-Feb-2020	8-Jun-2022	2.28	\$5,699	n/a	\$5,699

**Notes for DELAYED costs**

Engineering/Construction cost is the estimated cost to evaluate the effectiveness of the Stormwater Pollution Prevention Plans and make any necessary adjustments to the BMPs to prevent unauthorized discharges of sediment and sediment-laden stormwater from Section 8. Date required is the date the violation was initially documented. Final date is the anticipated date of compliance.

Remediation/Disposal cost is the estimated cost to remove sediment accumulations from the various on-site drainage ditches, the unnamed stream in the southeastern portion of Santa Fe, the unnamed creek in the northwestern portion of Section 5, and the on-site portions of Rocky Branch Creek and Long Branch Creek. Date required is the date the violation was initially documented. Final date is the anticipated date of compliance.

Other cost is the estimated cost to achieve final stabilization at Santa Fe, Section 5, Section 6, and Section 7. Date required is the investigation start date. Final date is the anticipated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$90,000

**TOTAL** \$9,993

Colony Ridge Development, LLC  
Docket No. 2019-1359-WQ-E  
Case No. 59941

July 27, 2020 Stormwater Sample Results Table

Sample ID	Sample Site Location	TDS Conc. (mg/L)*	TSS Conc. (mg/L)	Sample Site Visible Conditions
W013652-01	Rocky Branch Creek in the western portion of Santa Fe	257	258	Water appeared light tan in color
W013652-02	Rocky Branch Creek in the central portion of Santa Fe	107	132	Water appeared blue in color with traces of tan
W013652-03	Long Branch Creek in the northwestern portion of Section 5	1,310	1,140	Water appeared highly turbid and tan in color
W013652-04	Long Branch Creek in the central portion of Section 6	1,370	2,100	Water appeared highly turbid and tan in color
W013652-05	Long Branch Creek in the southern portion of Section 7	1,130	6,360	Water appeared highly turbid and tan in color
W013652-06	Unnamed creek in the southeastern portion of Santa Fe	139	150	Water appeared light tan in color
W013652-07	Luce Bayou downstream from the Sites	456	471	Water appeared highly turbid and tan in color
W013652-08	East Fork San Jacinto upstream of the Sites	332	112	Water appeared highly turbid and tan in color
W013652-09	Luce Bayou upstream of the Sites	310	82	Water appeared brown in color

Conc. = concentration

TDS = total dissolved solids

\*30 TEX. ADMIN. CODE § 307.10(1) prescribes a numeric criterion of 400 mg/L for TDS for the receiving stream Segment No. 1002.

mg/L = milligrams per liter

TSS = total suspended solids



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604507533, RN110510591, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604507533, Colony Ridge Development, LLC	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN110510591, SANTA FE	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Complexity Points:</b>	6	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	09 - Construction		
<b>Location:</b>	East of Plum Grove Road and south of County Road 354 in Liberty County, Texas		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		
<b>ID Number(s):</b>			

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** July 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 27, 2016 to July 27, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Caleb Olson

**Phone:** (817) 588-5856

## **Site and Owner/Operator History:**

- |  |    |
|--|----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604507533, RN111077871, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN604507533, Colony Ridge Development, LLC **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN111077871, SANTA FE SEC 5 **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 6 **Repeat Violator:** NO  
**CH Group:** 09 - Construction  
**Location:** East of Farm-to-Market Road 3570 and Rio Grande Drive in Liberty County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON  
**ID Number(s):**

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020  
**Date Compliance History Report Prepared:** July 27, 2021  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** July 27, 2016 to July 27, 2021  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Caleb Olson **Phone:** (817) 588-5856

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/04/2021 (1704909)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
TPDES General Permit TXR150000 PERMIT  
Description: Failure to meet temporary or final stabilization requirements.

**F. Environmental audits:**  
N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604507533, RN111077889, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN604507533, Colony Ridge Development, LLC **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN111077889, SANTA FE SEC 6 **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 6 **Repeat Violator:** NO  
**CH Group:** 09 - Construction  
**Location:** East of Farm-to-Market Road 3570 and Rio Grande Drive in Liberty County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON  
**ID Number(s):**

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** July 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 27, 2016 to July 27, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Caleb Olson

**Phone:** (817) 588-5856

## **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604507533, RN111077863, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN604507533, Colony Ridge Development, LLC **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN111077863, SANTA FE SEC 7 **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 6 **Repeat Violator:** NO  
**CH Group:** 09 - Construction  
**Location:** East of Farm-to-Market Road 3570 and Briana Drive in Liberty County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON  
**ID Number(s):**

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020  
**Date Compliance History Report Prepared:** July 27, 2021  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** July 27, 2016 to July 27, 2021  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Caleb Olson **Phone:** (817) 588-5856

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/04/2021 (1704910)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
TPDES General Permit TXR150000 PERMIT  
Description: Failure to maintain BMPs in an effective operating condition.

### **F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604507533, RN111077855, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN604507533, Colony Ridge Development, LLC **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN111077855, SANTA FE SEC 8 **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 6 **Repeat Violator:** NO  
**CH Group:** 09 - Construction  
**Location:** East of Farm-to-Market Road 3570 and Briana Drive in Liberty County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**STORMWATER PERMIT TXR1571CU**

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** July 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 27, 2016 to July 27, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Caleb Olson

**Phone:** (817) 588-5856

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1 June 04, 2021 (1704912)

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
COLONY RIDGE DEVELOPMENT,  
LLC  
RN110510591, RN111077871,  
RN111077889, RN111077863,  
RN111077855**

§  
§  
§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-1359-WQ-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Colony Ridge Development, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent operates five residential construction sites (the "Sites"). Santa Fe is located East of Plum Grove Road and south of County Road 354 in Liberty County, Texas. Santa Fe Section 5 ("Section 5") and Santa Fe Section 6 ("Section 6") are located east of Farm-to-Market Road 3570 and Rio Grande Drive in Liberty County, Texas. Santa Fe Section 7 ("Section 7") and Santa Fe Section 8 ("Section 8") are located east of Farm-to-Market Road 3570 and Briana Drive in Liberty County, Texas. The Sites are near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$29,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,280 of the penalty and \$5,820 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms

or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During an investigation conducted from February 27, 2020 through July 27, 2020, an investigator documented that the Respondent failed to install and maintain best management practices ("BMPs") at the Sites which resulted in a discharge of pollutants, in violation of 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a); cancelled Texas Pollutant Discharge Elimination System ("TPDES") General Permit Nos. TXR15343S, TXR1573CU, TXR1574CU, and TXR1572CU, Part III, Section F.2(a)(ii); and TPDES General Permit No. TXR1571CU, Part III, Section F.2(a)(ii). Specifically, the investigator documented several large un-stabilized areas and inadequate BMPs and sediment accumulations in and around various un-stabilized drainage ditches, an unnamed creek, Rocky Branch Creek, and Long Branch Creek. Additionally, the investigator collected and analyzed stormwater samples, revealing elevated levels of total dissolved solids ("TDS") and total suspended solids ("TSS"), as shown in the stormwater sample results table below:

July 27, 2020 Stormwater Sample Results Table				
Sample ID	Sample Site Location	TDS Conc. (mg/L)*	TSS Conc. (mg/L)	Sample Site Visible Conditions
W013652-01	Rocky Branch Creek in the western portion of Santa Fe	257	258	Water appeared light tan in color
W013652-02	Rocky Branch Creek in the central portion of Santa Fe	107	132	Water appeared blue in color with traces of tan
W013652-03	Long Branch Creek in the northwestern portion of Section 5	1,310	1,140	Water appeared highly turbid and tan in color
W013652-04	Long Branch Creek in the central portion of Section 6	1,370	2,100	Water appeared highly turbid and tan in color
W013652-05	Long Branch Creek in the southern portion of Section 7	1,130	6,360	Water appeared highly turbid and tan in color
W013652-06	Unnamed creek in the southeastern portion of Santa Fe	139	150	Water appeared light tan in color
W013652-07	Luce Bayou downstream from the Sites	456	471	Water appeared highly turbid and tan in color
W013652-08	East Fork San Jacinto upstream of the Sites	332	112	Water appeared highly turbid and tan in color
W013652-09	Luce Bayou upstream of the Sites	310	82	Water appeared brown in color

Conc. = concentration

mg/L = milligrams per liter

\*30 TEX. ADMIN. CODE § 307.10(1) prescribes a numeric criterion of 400 mg/L for TDS for the receiving stream Segment No. 1002.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Colony Ridge Development, LLC, Docket No. 2020-1359-WQ-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, evaluate the effectiveness of the Stormwater Pollution Prevention Plans, and make any necessary adjustments to the BMPs to prevent unauthorized discharges of sediment and sediment-laden stormwater from Section 8.
  - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e.
  - c. Within 60 days after the effective date of this Order:
    - i. Remove sediment accumulations from the various on-site drainage ditches, the unnamed stream in the southeastern portion of Santa Fe, the unnamed creek in the northwestern portion of Section 5, and the on-site portions of Rocky Branch Creek and Long Branch Creek.
    - ii. Achieve final stabilization at Santa Fe, Section 5, Section 6, and Section 7.
  - d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.c.i and 2.c.ii, in accordance with Ordering Provision No 2.e.
  - e. The written certifications of compliance required by Ordering Provision Nos. 2.b and 2.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Sites' operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
6/27/2022

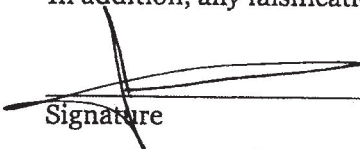
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
12.21.2021

\_\_\_\_\_  
John Harris  
Name (Printed or typed)  
Authorized Representative of  
Colony Ridge Development, LLC

\_\_\_\_\_  
Title

\_\_\_\_\_  
President, Mgr

If mailing address has changed, please check this box and provide the new address below:

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.