

**Executive Summary – Enforcement Matter – Case No. 60747**  
**Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust**  
**RN11178919**  
**Docket No. 2021-0632-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM - EAQ, WQ

**Small Business:**

Yes

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

9021 West U.S. Highway 290 TX 78736, Austin, Travis County, located on the east side of Ledgestone Terrace at 9021 West U.S. Highway 290 TX 78736, Austin, Travis County

**Type of Operation:**

Commercial land development project

**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:** October 22, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,626

**Amount Deferred for Expedited Settlement:** \$4,124

**Total Paid to General Revenue:** \$16,502

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:**

Edward's Aquifer: Yes

Water Quality: No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 60747  
Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong  
as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the  
Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M.  
Wong 1991 Trust  
RN11178919  
Docket No. 2021-0632-MLM-E**

***Investigation Information***

**Complaint Date(s):** September 7, 2020

**Complaint Information:** Alleged the Respondent was clearing land of a 77-acre property using an excavator without environment permits.

**Date(s) of Investigation:** September 29, 2020

**Date(s) of NOE(s):** April 13, 2021

***Violation Information***

1. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent commenced construction of a commercial development project by clearing approximately 45 acres of the Site without approval of a Contributing Zone Plan [30 TEX. ADMIN. CODE § 213.23(a)(1)].

2. Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000 [30 TEX. ADMIN. CODE § 281.25(a)(4), TEX. WATER CODE § 26.121 and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

a. On February 5, 2021, developed and implemented a stormwater pollution prevention plan, submitted a Notice of Intent through the State of Texas Environmental Electronic Reporting System and obtained authorization under TPDES General Permit No. TXR1589EL, and posted a construction site notice; and

b. On December 17, 2020, ceased all regulated activity.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 60747  
Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong  
as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the  
Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M.  
Wong 1991 Trust  
RN11178919  
Docket No. 2021-0632-MLM-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Alejandro Laje, Enforcement Division,  
Enforcement Team 3, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Mitchel Wong, Trustee, Michael Y. Wong 1991 Trust, L. Shawn Wong  
1991 Trust, Patrick Y. Wong 1991 Trust, and Shannon M. Wong 1991 Trust, 1700  
Stoneridge Terrace, Austin, Texas 78746

**Respondent's Attorney:** Natasha J. Martin, Graves Dougherty Hearon & Moody,  
P.C., 401 Congress Avenue, Suite 2700, Austin, Texas 78701



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	19-Apr-2021	<b>Screening</b>	4-May-2021	<b>EPA Due</b>	
	<b>PCW</b>	11-May-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust		
<b>Reg. Ent. Ref. No.</b>	RN111178919		
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60747	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0632-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Edwards Aquifer	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Alejandro Laje
		<b>EC's Team</b>	Enforcement Team 3
<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>	\$18,750
---	-------------------	----------

### 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>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	-----------------	--------------------------------	-----

Notes: No adjustment for compliance history.

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

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$4,687
--	-------------------	----------

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

Total EB Amounts: \$10  
 Estimated Cost of Compliance: \$500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,063
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$14,063
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,063
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,812
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,251
------------------------	----------

Screening Date 4-May-2021

Docket No. 2021-0632-MLM-E

PCW

Respondent Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Case ID No. 60747

Reg. Ent. Reference No. RN111178919

Media Edwards Aquifer

Enf. Coordinator Alejandro Laje

### 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> )	0	0%
	Other written NOVs	0	0%
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) 0%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 4-May-2021

Docket No. 2021-0632-MLM-E

PCW

Respondent

Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Case ID No.

60747

Reg. Ent. Reference No.

RN111178919

Media

Edwards Aquifer

Enf. Coordinator

Alejandro Laje

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 213.23(a)(1)

Violation Description

Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent commenced construction of a commercial development project by clearing approximately 45 acres of the Site without approval of a Contributing Zone Plan.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent

15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events

5

146

Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

\$18,750

Five monthly events are recommended, calculated from the date regulated activity commenced (July 24, 2020) to the date of compliance (December 17, 2020).

Good Faith Efforts to Comply

25.0%

Reduction

\$4,687

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent achieved compliance on December 17, 2020.

Violation Subtotal

\$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$10

Violation Final Penalty Total

\$14,063

This violation Final Assessed Penalty (adjusted for limits)

\$14,063

## Economic Benefit Worksheet

**Respondent**

Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

**Case ID No.**

60747

**Reg. Ent. Reference No.**

RN111178919

**Media**

Edwards Aquifer

**Violation No.**

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				0.00	\$0	\$0	\$0
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	\$500	24-Jul-2020	17-Dec-2020	0.40	\$10	n/a	\$10
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to cease all regulated activity at the Site. Date required is the date regulated activity commenced and the final date is the 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
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$10



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	19-Apr-2021	<b>Screening</b>	4-May-2021	<b>EPA Due</b>	
	<b>PCW</b>	11-May-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust
<b>Reg. Ent. Ref. No.</b>	RN111178919
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60747	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0632-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Edwards Aquifer	<b>Enf. Coordinator</b>	Alejandro Laje
		<b>EC's Team</b>	Enforcement Team 3
<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>	\$8,750
---	-------------------	---------

### 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>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	-----------------	--------------------------------	-----

<b>Notes</b>	No adjustment for compliance history.
--------------	---------------------------------------

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

<b>Notes</b>	The Respondent does not meet the culpability criteria.
--------------	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,187
--	-------------------	----------

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

Total EB Amounts	\$60	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,225	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,563
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
--------------	--

<b>Final Penalty Amount</b>	\$6,563
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,563
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,312
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
--------------	--

<b>PAYABLE PENALTY</b>	\$5,251
------------------------	---------



**Screening Date** 4-May-2021

**Docket No.** 2021-0632-MLM-E

**PCW**

**Respondent** Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

*Policy Revision 4 (April 2014)*

*PCW Revision March 26, 2014*

**Case ID No.** 60747

**Reg. Ent. Reference No.** RN111178919

**Media** Water Quality

**Enf. Coordinator** Alejandro Laje

### 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> )	0	0%
	Other written NOVs	0	0%
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)** 0%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 4-May-2021 **Docket No.** 2021-0632-MLM-E **PCW**  
**Respondent** Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust  
**Case ID No.** 60747 *Policy Revision 4 (April 2014)*  
**Reg. Ent. Reference No.** RN111178919 *PCW Revision March 26, 2014*  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121 and 40 Code of Federal Regulations § 122.26(c)  
**Violation Description** Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			5.0%

**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 7 196 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$8,750

Seven monthly events are recommended, calculated from the date regulated activity commenced (July 24, 2020) to the compliance date (February 5, 2021).

**Good Faith Efforts to Comply** 25.0% Reduction \$2,187

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

**Notes** The Respondent achieved compliance on February 5, 2021.

**Violation Subtotal** \$6,563

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$60 **Violation Final Penalty Total** \$6,563

**This violation Final Assessed Penalty (adjusted for limits)** \$6,563

## Economic Benefit Worksheet

**Respondent**

Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust; Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

**Case ID No.**

60747

**Reg. Ent. Reference No.**

RN111178919

**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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
SWPPP	\$2,000	24-Jul-2020	5-Feb-2021	0.54	\$54	n/a	\$54
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$225	24-Jul-2020	5-Feb-2021	0.54	\$6	n/a	\$6
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to develop and implement a stormwater pollution prevention plan, submit a Notice of Intent through the State of Texas Environmental Electronic Reporting System and obtain authorization under TPDES General Permit No. TXR1589EL, and post a construction site notice. Date required is the date regulated activity commenced and the final date is the compliance date.

**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
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$2,225	<b>TOTAL</b>	\$60
----------------------------	---------	--------------	------

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 CN601391790, RN111178919, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN601391790, WONG, MITCHEL

**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN111178919, 9021 W US HWY 290 TX 78736

**Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** On the east side of Ledgestone Terrace at 9021 West United States Highway 290, Austin, Travis County, Texas

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**WATER QUALITY NON-PERMITTED ID NUMBER**  
R11111178919

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

**Date Compliance History Report Prepared:** May 04, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 04, 2016 to May 04, 2021

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

**Name:** Alejandro Laje

**Phone:** (512) 239-2547

**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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>MITCHEL WONG AS TRUSTEE</b>	<b>§</b>	
<b>OF THE MICHAEL Y. WONG 1991</b>	<b>§</b>	
<b>TRUST, MITCHEL WONG AS</b>	<b>§</b>	
<b>TRUSTEE OF THE L. SHAWN</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>WONG 1991 TRUST; MITCHEL</b>	<b>§</b>	
<b>WONG AS TRUSTEE OF THE</b>	<b>§</b>	
<b>PATRICK Y. WONG 1991 TRUST;</b>	<b>§</b>	
<b>AND MITCHEL WONG AS</b>	<b>§</b>	
<b>TRUSTEE OF THE SHANNON M.</b>	<b>§</b>	
<b>WONG 1991 TRUST</b>	<b>§</b>	
<b>RN111178919</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2021-0632-MLM-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 Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust, Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust (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, represented by Ms. Natasha J. Martin of the law firm of Graves Dougherty Heaton & Moody, together stipulate that:

1. The Respondent owns and operates a commercial land development project located on the east side of Ledgestone Terrace at 9021 West United States Highway 290 in Austin, Travis County, Texas (the "Site"). The Site is 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 \$20,626 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,502 of the penalty and \$4,124 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Site:
  - a. On February 5, 2021, developed and implemented a stormwater pollution prevention plan, submitted a Notice of Intent through the State of Texas Environmental Electronic Reporting System and obtained authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1589EL, and posted a construction site notice; and
  - b. On December 17, 2020, ceased all regulated activity at the Site.

## **II. ALLEGATIONS**

During an investigation conducted on September 29, 2020, an investigator documented that the Respondent:

1. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1). Specifically, the Respondent commenced construction of a

commercial development project by clearing approximately 45 acres of the Site without approval of a Contributing Zone Plan.

2. Failed to obtain authorization to discharge stormwater associated with construction activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), TEX. WATER CODE § 26.121 and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, the Respondent was performing construction activities prior to obtaining authorization under TPDES General Permit No. TXR150000.

### **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: Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust, Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust, Docket No. 2021-0632-MLM-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. All relief not expressly granted in this Order is denied.
3. 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 Site operations referenced in this Order.
4. 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.



5. 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.
6. 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.
7. 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

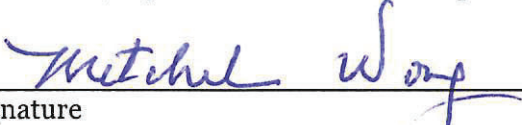
_____ For the Commission	_____ Date
 _____ For the Executive Director	<u>3/2/2022</u> Date

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	<u>9/13/2021</u> _____ Date
---	-----------------------------------

<u>MITCHEL WONG, TRUSTEE</u> _____ Name (Printed or typed)	_____ Title
--	----------------

Authorized Representative of  
Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust, Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust

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