

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Dinniah Tadema, Assistant General Counsel

Thru: JSR Jess Robinson, Senior Attorney
Litigation Division

From: Katherine McKenzie, Agenda Coordinator
Litigation Division

Date: March 27, 2026

Subject: **Supplemental Information**
April 1, 2026 Commission Agenda
Item No. 26 -Tonya Pieri
Docket No. 2022-0107-MLM-E

Enclosed please find the following:

Compliance History:

- Component Appendices to the Compliance History for this case, which are on a single page that is new Page 3 of the previously filed Compliance History Report

Please do not hesitate to call me at (512) 239-2575 if you have any questions regarding this matter.

cc: Tonya Pieri, Respondent, via First Class Mail
Bryce Huck, Enforcement Division
Wanda Omar, Houston Regional Office
Gill Valls, Office of the General Counsel
Michael Parrish, Enforcement Division
Leslie Gann, Enforcement Division
Stuart Beckley, Enforcement Division

Component Appendices

Appendix A

All NOVs Issued During Component Period 4/25/2018 and 4/25/2023

- 1 Date: 02/06/2019 (1499919)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 111, SubChapter B 111.201
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the prohibition of outdoor burning. (Category B17)
- 2 Date: 01/23/2020 (1596967)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 111, SubChapter B 111.201
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with General Prohibition requirements concerning outdoor burning. Category B17
- Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 330, SubChapter A 330.15(a)
30 TAC Chapter 330, SubChapter A 330.15(c)
Description: Failure to comply with General Prohibition requirements concerning disposal of municipal solid waste (MSW). Category B18(e)(7)
- 3 Date: 05/18/2021 (1712016)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 330, SubChapter A 330.15(a)
30 TAC Chapter 330, SubChapter A 330.15(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with General Prohibition requirements concerning disposal of municipal solid waste. (Category B18e.7)
- Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 111, SubChapter B 111.201
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the General Prohibitions for outdoor burning (Category B17)

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B

All Investigations Conducted During Component Period April 25, 2018 and April 25, 2023

Item 1 April 14, 2020** (1637974)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

Tonya Pieri
RN110592060
Docket No. 2022-0107-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five-year period for the same violations.

Media:

MLM: MSW and AIR

Small Business:

N/A

Location Where Violations Occurred:

26332 Blackberry Lane, New Caney, Montgomery County

Type of Operation:

an unauthorized municipal solid waste ("MSW") disposal site

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:

February 27, 2026

Comments Received:

None

Penalty Information**Total Penalty Assessed:** \$8,752**Total Paid to General Revenue:** \$247**Total Due to General Revenue:** \$8,505

Payment Plan: 35 payments of \$243 each

Compliance History Classifications:

Person/CN - High
 Site/RN - High

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

January 28, 2021

Investigation Information**Complaint Dates:**

March 29, 2021 (353375); June 10, 2021 (359886)

Complaint Information:

353375 and 359886: The complainant is concerned about outdoor burning activities in the area.

Dates of Investigation:

May 7, 2021 and September 23, 2021

Date of NOV:

May 18, 2021

Date of NOE:

December 15, 2021

Tonya Pieri
RN110592060
Docket No. 2022-0107-MLM-E

Violation Information

1. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste (“MSW”) [30 TEX. ADMIN. CODE § 330.15(a) and (c)].
2. Caused, suffered, allowed, or permitted outdoor burning within the State of Texas [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 111.201].
3. Failed to allow employees of the Commission to enter public or private property at a reasonable time for the purpose of inspecting and investigating conditions relating to compliance with any rule, regulation, permit, or other order of the Commission [TEX. WATER CODE § 26.014 and TEX. HEALTH & SAFETY CODE § 361.032].

Corrective Actions/Technical Requirements

Corrective Action Completed:

By March 13, 2022, Respondent ceased outdoor burning at the Site and removed all MSW and disposed of it at an authorized facility.

Technical Requirements: None

Litigation Information

Date Petition Filed:	December 10, 2024
Date of Service:	December 17, 2024
Date Answer Filed:	January 9, 2025
SOAH Referral Date:	October 9, 2025
Hearing Date:	
Preliminary hearing:	January 22, 2026
Settlement Date:	January 20, 2026

Contact Information

TCEQ Attorneys: Allison Alt, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Bryce Huck, Enforcement Division, (512) 239-4655

TCEQ Regional Contact: Warda Omar, Houston Regional Office, 713-767-3500

Respondent Contact: Tonya Pieri, 427 Rosebank Ranch, Magnolia, Texas 77354

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-Jan-2022	Screening	14-Jan-2022	EPA Due	
	PCW	18-Sep-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Tonya Pieri
Reg. Ent. Ref. No.	RN110592060
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61808	No. of Violations	3
Docket No.	2022-0107-MLM-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Tiffany Chu
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$875
---------------------------	--------------------------	--------------------------------	---------------

Notes: Reduction for High Performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	-----------	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$4
 Estimated Cost of Compliance: \$25
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,875
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1% Adjustment	\$877
---	-------------------------	--------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2 (\$2) and recommended adjustment to offset High Performer reduction (\$875).

Final Penalty Amount	\$8,752
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,752
-----------------------------------	-------------------------------	----------------

DEFERRAL	0.0% Reduction Adjustment	\$0
-----------------	----------------------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,752
------------------------	----------------

Screening Date 14-Jan-2022

Docket No. 2022-0107-MLM-E

PCW

Respondent Tonya Pieri

Policy Revision 5 (January 28, 2021)

Case ID No. 61808

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110592060

Media Municipal Solid Waste

Enf. Coordinator Tiffany Chu

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)

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

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 14-Jan-2022

Docket No. 2022-0107-MLM-E

PCW

Respondent Tonya Pieri

Policy Revision 5 (January 28, 2021)

Case ID No. 61808

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110592060

Media Municipal Solid Waste

Enf. Coordinator Tiffany Chu

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 330.15(a) and (c)

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, the Respondent disposed of approximately 0.15 cubic yards of MSW consisting of burned sticks, leaves, and pine needles at the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

113 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$3,750

One semiannual event is recommended from the September 23, 2021 investigation date to the January 14, 2022 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,751

This violation Final Assessed Penalty (adjusted for limits) \$3,751

Economic Benefit Worksheet

Respondent Tonya Pieri
Case ID No. 61808
Reg. Ent. Reference No. RN110592060
Media Municipal Solid Waste
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3	7-May-2021	13-Mar-2022	0.85	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to remove approximately 0.15 cubic yards of MSW consisting of burned sticks, leaves, and pine needles from the Site and dispose of it at an authorized facility. The Date Required is the initial investigation date 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 \$3

TOTAL \$0

Screening Date 14-Jan-2022 **Docket No.** 2022-0107-MLM-E **PCW**
Respondent Tonya Pieri *Policy Revision 5 (January 28, 2021)*
Case ID No. 61808 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110592060
Media Municipal Solid Waste
Enf. Coordinator Tiffany Chu

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> 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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tonya Pieri
Case ID No. 61808
Reg. Ent. Reference No. RN110592060
Media Municipal Solid Waste
Violation No. 2

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost is included in Violation No. 1.

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)	\$2	7-May-2021	13-Mar-2022	0.85	\$0	\$2	\$2

Notes for AVOIDED costs

Estimated avoided cost to dispose of approximately 0.04 cubic yards of MSW at an authorized facility rather than burning. The Date Required is the initial investigation date, and the Final Date is the compliance date.

Approx. Cost of Compliance

\$2

TOTAL

\$2

Screening Date 14-Jan-2022 **Docket No.** 2022-0107-MLM-E **PCW**
Respondent Tonya Pieri *Policy Revision 5 (January 28, 2021)*
Case ID No. 61808 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110592060
Media Municipal Solid Waste
Enf. Coordinator Tiffany Chu

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.014 and Tex. Health & Safety Code § 361.032

Violation Description
 Failed to allow employees of the Commission to enter public or private property at a reasonable time for the purpose of inspecting and investigating conditions relating to compliance with any rule, regulation, permit, or other order of the Commission. Specifically, on September 23, 2021, the Respondent denied employees of the Commission access to the Site to conduct an inspection.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		X		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 113 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,250

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Tonya Pieri
Case ID No. 61808
Reg. Ent. Reference No. RN110592060
Media Municipal Solid Waste
Violation No. 3

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20	23-Sep-2021	30-Oct-2023	2.10	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to provide a notarized statement that grants entry and full property access to Texas Commission on Environmental Quality staff and that will allow future environmental investigations at the Site to be conducted. The Date Required is the date that the investigation was attempted, and the Final Date is the estimated 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 \$20

TOTAL \$2



Compliance History Report

Compliance History Report for CN605602259, RN110592060, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN605602259, Tonya Pieri	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN110592060, 26332 BLACKBERRY LN	Classification: HIGH	Rating: 0.00
Complexity Points:	1	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	26332 BLACKBERRY LN NEW CANEY, TX 77357-6900, MONTGOMERY COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	AIR QUALITY NON PERMITTED ID NUMBER R12110592060		
Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year: 2022	Rating Date: 09/01/2022
Date Compliance History Report Prepared:	April 25, 2023		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 25, 2018 to April 25, 2023		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Ken Moller	Phone:	(512) 239-6111

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



**IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
TONYA PIERI;
RN110592060**

**§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2022-0107-MLM-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Tonya Pieri (“Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE chs. 361 and 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that she has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operated an unauthorized municipal solid waste (“MSW”) disposal site located at 26332 Blackberry Lane in New Caney, Montgomery County, Texas (“the “Site”). The Site contained and/or involved the management of MSW, as defined in TEX. HEALTH & SAFETY CODE ch. 361, and it consisted of one or more sources, as defined in TEX. HEALTH & SAFETY CODE § 382.003.
2. During investigations conducted on May 7, 2021, and September 23, 2021, an investigator documented that Respondent:
 - a. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, Respondent disposed of approximately 0.15 cubic yards of MSW consisting of burned sticks, leaves, and pine needles at the Site;
 - b. Caused, suffered, allowed, or permitted outdoor burning within the State of Texas. Specifically, Respondent burned approximately 0.04 cubic yards of MSW consisting of sticks, leaves, and pine needles at the Site; and
 - c. Failed to allow employees of the Commission to enter public or private property at a reasonable time for the purpose of inspecting and investigating conditions relating to compliance with any rule, regulation, permit, or other order of the Commission. Specifically, on September 23, 2021, Respondent denied employees of the Commission access to the Site to conduct an inspection.

3. The Executive Director recognizes that, by March 13, 2022, Respondent ceased outdoor burning at the Site, and she removed all MSW and disposed of it at an authorized facility.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and TEX. HEALTH & SAFETY CODE chs. 361 and 382.
2. As evidenced by Finding of Fact No. 2.a., Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c).
3. As evidenced by Finding of Fact No. 2.b., Respondent caused, suffered, allowed, or permitted outdoor burning within the State of Texas, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 111.201.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to allow employees of the Commission to enter public or private property at a reasonable time for the purpose of inspecting and investigating conditions relating to compliance with any rule, regulation, permit, or other order of the Commission, in violation of TEX. WATER CODE § 26.014 and TEX. HEALTH & SAFETY CODE § 361.032.
5. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$8,752 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid \$247 of the penalty. The remaining amount of \$8,505 shall be paid in 35 monthly payments of \$243 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions 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: Tonya Pieri, Docket No. 2022-0107-MLM-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
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 Respondent.
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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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. 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.
10. 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

Philip Ledwith

3/2/2026

For the Executive Director

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 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;
- 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 is seeking other relief as authorized by law.

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

Tonya Pieri

Signature - Tonya Pieri
427 Rosebank Ranch
Magnolia, Texas 77354

Date

1-20-26

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