

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62081
SLOTT CONSTRUCTION COMPANY, INC.
RN107948721
Docket No. 2022-0287-WQ-E

Order Type:
Agreed Order

Media:
WQ

Small Business:
Yes

Location Where Violation Occurred:
five miles west of Interstate Highway 45 on Farm-to-Market Road 1374, Huntsville, Walker County (the "Site")

Type of Operation:
large construction site

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: Wildwood Shores Property Owners Association, Inc.,
represented by Attorney Chanta'l Lillie. Granted
permissive intervention at SOAH.

Texas Register Publication Date: August 16, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$14,375

Total Paid to General Revenue: \$14,375

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN - SATISFACTORY
Site/RN - SATISFACTORY

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Dates: November 02, 2021; November 26, 2021; December 08, 2021;
December 16, 2021; January 09, 2022

Complaint Information: 11/02/21 and 11/26/21: Lack of stormwater best management practices; 12/08/21: Sand and sediment are not contained from nearby construction, and sediment will run into Lake Raven via Prairie Branch and Alligator Branch.; 12/16/21: Alleges sediment runoff; 01/09/22: Alleges a sediment discharge from a construction site.

Date of Investigation: January 18, 2022

Date of NOV: N/A

Date of NOE: March 2, 2022

Violation Information

Respondent failed to install and maintain best management practices (“BMPs”) at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state, [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System General Permit No. TXR15210K, Part III, Section F.6(a), (c), and (d)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

Respondent installed and began maintaining BMPs at the Site and removed accumulated sediment from in and around Prairie Branch Creek as of March 11, 2022.

Technical Requirements:

None

Litigation Information

Date Petitions Filed: January 8, 2024
Date of Service: January 17, 2024
Date Answer Filed: February 5, 2024
SOAH Referral Date: March 18, 2024
Hearing Date:
Preliminary hearing: April 25, 2024
Settlement Date: June 28, 2024

Contact Information

TCEQ Attorneys: Taylor Pack Ellis, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239- 2575
TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, 512-239-2137
TCEQ Regional Contact: Westin Massey, Houston Regional Office, 713-767-3756
Respondent Contact: Jacob Slott, President, and Greg Buckner, Vice President, SLOTT
CONSTRUCTION COMPANY, INC., P.O. Box 381, New Waverly, Texas 77358
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Mar-2022	Screening	7-Mar-2022	EPA Due	
	PCW	7-Mar-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	SLOTT CONSTRUCTION COMPANY, INC.
Reg. Ent. Ref. No.	RN107948721
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62081	No. of Violations	1
Docket No.	2022-0287-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$3,125
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Notes: Enhancement for one agreed order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$32
 Estimated Cost of Compliance: \$3,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,375
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$14,375
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Screening Date 7-Mar-2022

Docket No. 2022-0287-WQ-E

PCW

Respondent SLOTT CONSTRUCTION COMPANY, INC.

Policy Revision 5 (January 28, 2021)

Case ID No. 62081

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN107948721

Media Water Quality

Enf. Coordinator Harley Hobson

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	1	25%
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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 7-Mar-2022

Docket No. 2022-0287-WQ-E

PCW

Respondent SLOTT CONSTRUCTION COMPANY, INC.

Policy Revision 5 (January 28, 2021)

Case ID No. 62081

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN107948721

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System General Permit No. TXR15210K, Part III, Section F.6(a), (c), and (d)

Violation Description Failed to install and maintain best management practices ("BMPs") at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state. Specifically, erosion controls were damaged and improperly installed, leading to a discharge of sediment off-site into and around Prairie Branch Creek.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Harm				Percent
	Falsification	Major	Moderate	Minor	
					0.0%

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 \$18,750

\$6,250

Violation Events

Number of Violation Events 2 48 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

Two monthly events are recommended, from the January 18, 2022 investigation date to the March 7, 2022 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$1,250

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

Notes The Respondent achieved compliance on March 11, 2022.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$14,375

This violation Final Assessed Penalty (adjusted for limits) \$14,375

Economic Benefit Worksheet

Respondent SLOTT CONSTRUCTION COMPANY, INC.
Case ID No. 62081
Reg. Ent. Reference No. RN107948721
Media Water Quality
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	18-Jan-2022	11-Mar-2022	0.14	\$1	\$24	\$25
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	\$1,000	18-Jan-2022	11-Mar-2022	0.14	\$7	n/a	\$7
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to install and maintain BMPs at the Site. Date Required is the investigation date, and Final Date is the date of compliance.

Estimated Remediation/Disposal cost to remove accumulated sediment from in and around Prairie Branch Creek. Date Required is the investigation date, and 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

\$3,500

TOTAL

\$32



Compliance History Report

Compliance History Report for CN604393710, RN107948721, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN604393710, SLOTT CONSTRUCTION COMPANY, INC.	Classification: SATISFACTORY	Rating: 1.33
Regulated Entity:	RN107948721, TEXAS GRAND RANCH	Classification: SATISFACTORY	Rating: 1.33
Complexity Points:	5	Repeat Violator: NO	
CH Group:	09 - Construction		
Location:	5 MILES WEST OF I 45 ON FM 1374 WALKER, TX, WALKER COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):			
STORMWATER PERMIT TXR1593IR		STORMWATER PERMIT TXR15489G	
STORMWATER PERMIT TXR1567MC		WATER QUALITY NON PERMITTED ID NUMBER R12107948721	

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year: 2022	Rating Date: 09/01/2022
Date Compliance History Report Prepared:	June 30, 2023		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	June 30, 2018 to June 30, 2023		

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

Name: TCEQ Staff Member	Phone: (512) 239-1000
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Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 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:

- 1 Effective Date: 11/29/2021 ADMINORDER 2020-1087-WQ-E (Findings Order-Default)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov CGP III.F.1-4 PERMIT
Description: Failed to update and maintain the Stormwater Pollution Prevention Plan (SWP3) as required.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov CGP III.F.7.(a), III.D.1 PERMIT
Description: Failed to conduct inspections as required.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2 March 16, 2022 (1795234)

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
SLOTT CONSTRUCTION COMPANY, INC.;
RN107948721

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-0287-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SLOTT CONSTRUCTION COMPANY, INC. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent operates a large construction site located at five miles west of Interstate 45 on Farm-to-Market 1374 in Huntsville, Walker 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 Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$14,375 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$14,375 of the penalty.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent installed and began maintaining best management practices ("BMPs") at the Site and removed accumulated sediment from in and around Prairie Branch Creek as of March 11, 2022.

II. ALLEGATION

During an investigation conducted on January 18, 2022, an investigator documented that Respondent failed to install and maintain BMPs at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) General Permit No. TXR15210K, Part III, Section F.6(a), (c), and (d). Specifically, erosion controls were damaged and improperly installed, leading to a discharge of sediment off-site into and around Prairie Branch Creek.

III. DENIALS

Respondent generally denies the Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions or penalties for violations which are not raised here.
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. 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. This Order, issued by the Commission, shall not be admissible against 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 TCEQ’s jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
5. 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.
6. 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

9/9/24

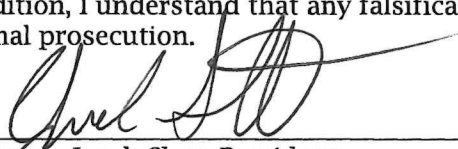
Date

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 seeking other relief as authorized by law.

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



Signature - Jacob Slott, President
SLOTT CONSTRUCTION COMPANY, INC.
P.O. Box 381
New Waverly, Texas 77358

6/28/24

Date

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