

Executive Summary - Enforcement Matter - Case No. 68153
Houston Housing Authority
RN101801991
Docket No. 2025-1046-IHW-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

800 Middle Street, Houston, Harris County

Type of Operation:

Two tracts of land with the Northern Tract being undeveloped and the Southern Tract containing a building constructed for the purpose of functioning as an affordable housing complex.

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainants have expressed an interest in this matter.

Texas Register Publication Date: January 30, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$175,000

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$175,000

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

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Investigation Information

Complaint Date(s): December 15, 2022, January 20, 2023, and May 12, 2023
Complaint Information: Alleged ash from construction is draining into Buffalo Bayou.
Date(s) of Investigation: April 23, 2024
Date(s) of NOE(s): May 6, 2024

Violation Information

1. Caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") or municipal hazardous waste ("MHW") in a manner to cause the discharge or imminent threat of discharge of ISW or MHW into or adjacent to water in the state, and to endanger public health and welfare [30 TEX. ADMIN. CODE § 335.4(1) and (3) and TEX. WATER CODE § 26.121(a)(1)].
2. Failed to notify the TCEQ as soon as possible but not later than 24 hours after the occurrence of a spill or discharge [TEX. WATER CODE § 26.039(b)].
3. Failed to choose a representative sample of waste as described in Chapter 9 of the EPA SW-846 Compendium when conducting waste classification [30 TEX. ADMIN. CODE § 335.509(a)].
4. Failed to maintain documentation onsite of waste sampling procedures for the hazardous waste determination and waste classification analytical data [30 TEX. ADMIN. CODE §§ 335.510 and 335.513(c)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.11(f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On December 30, 2024, the Respondent provided a new Soil Management & Spill Notification Plan prepared by a professional geologist duly licensed by the State of Texas, which outlines when and how the Respondent will notify TCEQ within 24 hours of discovering the occurrence of a spill or discharge requiring such notification.
- b. The Respondent has collected a suite of soil samples from across the Northern and Southern Tracts, and had the samples tested for lead and other metals, polycyclic aromatic hydrocarbons, total petroleum hydrocarbons, polychlorinated biphenyls, and dioxins and furans under an agreed-upon methodology. The Respondent has included documentation of and results from this effort in its submittals provided to TCEQ to comply with obligations under the Texas Risk Reduction Program ("TRRP").

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c. The Respondent submitted to TCEQ two Affected Property Assessment Reports ("APARs") that describe the Respondent's additional investigations of the Site following its discovery of buried incinerator ash in December 2022 and September 2023:

i. Northern Tract:

On March 12, 2025, the Respondent submitted an APAR that focused on the Northern Tract, and submitted an addendum to the APAR on July 24, 2025.

By letter dated September 11, 2025, the Executive Director determined that benzo-a-pyrene and naphthalene were documented as exceeding air inhalation pathway PCLs, and that the Respondent's proposed Response Action Plan ("RAP") for the Northern Tract would need to address this. The Executive Director also identified that further delineation of ash on the Northern Tract needs to be completed. The Respondent provided a written response to these concerns on September 29, 2025, which is under review.

ii. Southern Tract:

On February 19, 2025, the Respondent submitted an APAR that focused on the Southern Tract. The Respondent submitted an addendum to its proposed APAR for the Southern Tract on June 12, 2025. The Southern Tract's APAR showed that no concentrations of chemicals of concern exceeded the critical PCLs in groundwater, but soil sample analyses did show PCL exceedances for lead and total petroleum hydrocarbons.

On September 11, 2025, the Executive Director approved the Respondent's APAR for the Southern Tract and determined that it met the requirements of 30 TEX. ADMIN. CODE § 350.51. The Executive Director's approval was conditioned upon the Respondent's completion of its requirements for the APAR for the Northern Tract.

d. The Respondent submitted to TCEQ two proposed Interim RAPs that identify the remedies (including physical and institutional controls) that would prevent exposure at the Site to concentrations of chemicals of concern (COCs) above applicable PCLs.

i. Northern Tract:

On March 31, 2025, the Respondent submitted a proposed Interim RAP for the Northern Tract, which proposed to excavate soils where soil PCL exceedances were found and install a clay cap to serve as a physical control. In a letter dated September 11, 2025, the Executive Director formally requested further documentation reflecting: how the proposed physical control will prevent exposure across all PCL exceedance zones; the extent of excavation; financial assurance for post-response action care; and how the proposed response action will prevent potential exposure of COCs above soil-to-air inhalation pathway PCLs. On October 24, 2025, the Respondent supplemented its submittal, with additional information, and to serve as a proposed final RAP for the Northern Tract.

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ii. Southern Tract:

On February 19, 2025, the Respondent submitted a proposed Interim RAP for the Southern Tract, which proposed to extend an existing concrete cap to serve as a physical control. In a letter dated September 11, 2025, the Executive Director formally requested draft institutional control language to comply with TRRP requirements (e.g., as could be recorded with Harris County records as a deed restriction) and a demonstration of financial assurance for post-response action care.

e. On October 3, 2025, the Respondent submitted a Response Action Completion Report ("RACR") for the Southern Tract, describing the completion of constructing a concrete cap over portions of the Southern Tract that contained concentrations of lead and total petroleum hydrocarbons in surface soils in excess of PCLs. In associated correspondence on the same date, the Respondent submitted records demonstrating it had filed a Deed Notice with Harris County, identifying where the aforementioned concrete cap is located, and how it must be maintained and monitored until TCEQ approves any modification.

f. By October 20, 2025, the Respondent constructed an 8-foot-tall fence that encircles and encloses the Northern Tract to secure it from trespassers and the public. The Respondent commits to keep and maintain the fencing around the Northern Tract until response actions are completed and confirmed through TCEQ approval of a RACR for the Northern Tract.

g. On October 28, 2025, the Respondent identified that documents including its sampling plan and analytical data for hazardous waste determinations and waste classification for the ash waste are temporarily kept at the Respondent's offices located at 2640 Fountain View Drive, Suite 3017, in Houston, Harris County, but that they are immediately and remotely accessible from the Site via an online portal. The Respondent commits that they will be moved to be physically located at the Site itself once the Site is opened and occupied.

h. On December 2, 2025, the Executive Director determined that the Respondent's remedies on the Southern Tract as reported on its RACR have attained TRRP Remedy Standard B for residential land use. This determination was conditioned on and contingent upon the continued performance of post-response action care on the Southern Tract.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Immediately:

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- i. Perform sampling and analysis of ash waste from the Site, in a manner that is sufficiently representative for waste classification purposes, as described in Chapter 9 of the EPA SW-846 Compendium, and which do not contain large pieces of metal and/or glass;
 - ii. Supplement the Site's sampling plan to ensure representative samples are collected, managed, and analyzed as described in EPA SW-846; and
 - iii. Supplement the proposed RAP for the Northern Tract, to include measures for ensuring persons near the Northern Tract are protected from exposure to pollutants that may be disturbed during activities on the Northern Tract. Such measures must include: controlling dust; monitoring air quality for emissions of contaminants including lead; properly managing waste; and controlling surface water runoff. This Order requires the Respondent to continue performance of these measures for the duration of this Order.
- b. Within 30 days, clean up and remove all known contaminated soils from the Site and dispose of them at an authorized facility using appropriate corrective measures, or address their remediation via the Respondent's obligations and timelines under TRRP.
- c. The Respondent shall remediate and/or address the Site pursuant to all provisions, requirements, and deadlines provided in TRRP, including the RAPs approved by the Executive Director and any post-response actions identified by TCEQ in response to any RACRs submitted for the Site.
- d. Within 60 days after completing all Response Actions set forth in the approved RAP for the Northern Tract, the Respondent shall submit a RACR to the Executive Director for approval.
- e. If the Executive Director identifies deficiencies in the Respondent's proposed APAR, RAP, or RACR submittal(s), the Respondent shall address the Executive Director's concerns and submit an update to the APAR(s), RAP(s), or RACR(s) within 30 days of issuance of noted deficiencies or rejection, or by any other deadline stated in writing by TCEQ in correspondences about the APAR(s), RAP(s), or RACR(s).
- f. Within 180 days, submit written certification to demonstrate compliance with a through e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, Enforcement Team 6, MC 219, (512) 239-2536; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

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SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, 3555
Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Jay Mason, Director of Real Estate Investment & Development, Houston
Housing Authority, 2640 Fountain View Drive, Houston, Texas 77057-7606
Jamie Bryant, CEO, Houston Housing Authority, 2640 Fountain View Drive, Houston,
Texas 77057-7606

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jun-2024	Screening	14-Jul-2025	EPA Due	
	PCW	15-Jul-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	Houston Housing Authority
Reg. Ent. Ref. No.	RN101801991
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	68153	No. of Violations	4
Docket No.	2025-1046-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$195,000
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$19,500
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,385	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$175,000
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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	
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Final Penalty Amount	\$175,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$175,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$175,000
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Screening Date 14-Jul-2025

Docket No. 2025-1046-IHW-E

PCW

Respondent Houston Housing Authority

Policy Revision 5 (January 28, 2021)

Case ID No. 68153

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101801991

Media Industrial and Hazardous Waste

Enf. Coordinator Karolyn Kent

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-Jul-2025
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Case ID No. 68153
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous Waste
Enf. Coordinator Karolyn Kent

Docket No. 2025-1046-IHW-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4(1) and (3) and Tex. Water Code § 26.121(a)(1)

Violation Description

Caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") or municipal hazardous waste ("MHW") in a manner to cause the discharge or imminent threat of discharge of ISW or MHW into or adjacent to water in the state, and to endanger public health and welfare. Specifically, during construction activities on the Northern Tract and adjacent to Buffalo Bayou, ash was uncovered in the northwestern corner of the Site and the Respondent left the ash in place rather than completing contaminant removal. At least one sample of uncovered ash was later confirmed to contain levels of lead in excess of Residential Tier 1 total soil combined protective concentration levels ("PCLs"). In addition to the ash, glass debris and thick black plastic pieces were on the ground at the same location.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual		X			50.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 15 447 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$187,500

15 monthly events are recommended from the April 23, 2024 investigation date to the July 14, 2025 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 \$187,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,537

Violation Final Penalty Total \$168,750

This violation Final Assessed Penalty (adjusted for limits) \$168,750

Economic Benefit Worksheet

Respondent Houston Housing Authority
Case ID No. 68153
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous 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
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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				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	\$10,000	13-Jan-2023	8-Feb-2026	3.07	\$1,537	n/a	\$1,537
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to clean up and remove all known contaminated soils from the Site and dispose of them at an authorized facility using appropriate corrective measures, or address their remediation via the Respondent's obligations and timelines under the Texas Risk Reduction Program. The Date Required is the initial investigation date 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

\$10,000

TOTAL

\$1,537

Screening Date 14-Jul-2025 **Docket No.** 2025-1046-IHW-E **PCW**
Respondent Houston Housing Authority *Policy Revision 5 (January 28, 2021)*
Case ID No. 68153 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous Waste
Enf. Coordinator Karolyn Kent

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>
<input type="text" value="100% of the rule requirement was not met."/>					

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="text" value="X"/>

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 checked="" type="text" value="X"/>
N/A	<input type="text"/>	<input type="text"/>

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 Houston Housing Authority
Case ID No. 68153
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous 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
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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				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)	\$100	13-Jan-2023	30-Dec-2024	1.96	\$10	n/a	\$10

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures to ensure that the TCEQ is notified within 24 hours of discovering the occurrence of a spill or discharge requiring such notification. 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 \$100

TOTAL \$10

Screening Date 14-Jul-2025 **Docket No.** 2025-1046-IHW-E **PCW**
Respondent Houston Housing Authority *Policy Revision 5 (January 28, 2021)*
Case ID No. 68153 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous Waste
Enf. Coordinator Karolyn Kent

Violation Number

Rule Cite(s)

Violation Description Failed to choose a representative sample of waste as described in Chapter 9 of the Environmental Protection Agency ("EPA") SW-846 Compendium when conducting waste classification. Specifically, the three grab samples of ash were collected from within the trenched area where the ash was exposed and the only grab sample that was used for waste classification was not taken from the waste pile that was sent off site for disposal. In addition, the samples collected contained large pieces of metal and or/glass, indicating that the samples were not representative of the whole. Additionally, the Respondent did not have a sampling plan to ensure representative samples are collected, managed, and analyzed as described in EPA SW-846.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

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="text" value="X"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

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 Houston Housing Authority
Case ID No. 68153
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous 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
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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				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	\$5,000	13-Jan-2023	8-Feb-2026	3.07	\$768	n/a	\$768
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to perform sampling and analysis of the ash waste at the Site, in a fashion that is sufficiently representative for waste classification purposes, as described in Chapter 9 of the EPA SW-846 Compendium, and which do not contain large pieces of metal and/or glass, as well as supplement the Site's sampling plan to ensure representative samples are collected, managed, and analyzed as described in EPA SW-846. The Date Required is the initial investigation date 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

\$5,000

TOTAL

\$768

Screening Date 14-Jul-2025 **Docket No.** 2025-1046-IHW-E **PCW**
Respondent Houston Housing Authority *Policy Revision 5 (January 28, 2021)*
Case ID No. 68153 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous Waste
Enf. Coordinator Karolyn Kent

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 335.510 and 335.513(c)(2) and 40 Code of Federal Regulations § 262.11(f)

Violation Description

Failed to maintain documentation of waste sampling procedures for the hazardous waste determination and waste classification analytical data. Specifically, the Respondent did not keep at the Site a sampling plan for the hazardous waste determination or the waste classification analytical data of the ash waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 447 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$250

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

Notes The Respondent came into compliance on October 28, 2025, after the May 6, 2024 NOE.

Violation Subtotal \$2,250

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

Estimated EB Amount \$70 **Violation Final Penalty Total** \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent Houston Housing Authority
Case ID No. 68153
Reg. Ent. Reference No. RN101801991
Media Industrial and Hazardous Waste
Violation No. 4

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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	13-Jan-2023	28-Oct-2025	2.79	\$70	n/a	\$70
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 to begin maintaining documentation of all sampling procedures for hazardous waste determinations and waste classification of the ash. 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 \$500

TOTAL \$70

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 CN604362715, RN101801991, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

Customer, Respondent, or Owner/Operator: CN604362715, Houston Housing Authority
Classification: HIGH **Rating:** 0.00

Regulated Entity: RN101801991, 800 Middle Street
Classification: HIGH **Rating:** 0.00

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 800 Middle Street, Houston, Harris County, Texas 77003-1252

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 32542

INDUSTRIAL AND HAZARDOUS WASTE
NONPERMITTED ID NUMBER R12101801991

Compliance History Period: September 01, 2020 to August 31, 2025 **Rating Year:** 2025 **Rating Date:** 09/01/2025

Date Compliance History Report Prepared: October 29, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 29, 2020 to October 29, 2025

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

Name: Karolyn Kent

Phone: (512) 239-2536

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:

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
HOUSTON HOUSING AUTHORITY
RN101801991

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2025-1046-IHW-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Housing Authority (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns two tracts of land located at 800 Middle Street in Houston, Harris County, Texas (collectively, the "Site"), with the Northern Tract being undeveloped and the Southern Tract containing a building constructed for the purpose of functioning as an affordable housing complex.¹ The Site involves or involved the management of industrial and/or hazardous waste ("IHW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation at the Site conducted on April 23, 2024, an investigator documented that the Respondent:
 - a. During construction activities on the Northern Tract and adjacent to Buffalo Bayou, ash was uncovered in the northwestern corner of the Site and the Respondent left the ash in place rather than completing contaminant removal. At least one sample of uncovered ash was later confirmed to contain levels of lead in excess of Residential Tier 1 total soil combined protective concentration levels ("PCLs"). In addition to the ash, glass debris and thick black plastic pieces were on the ground at the same location;

¹ Harris County Appraisal District records identify the Northern Tract with HCAD Account No. 1458160010001 and the Southern Tract with HCAD Account No. Identification No. 1458160020001.

- b. Ash was uncovered during construction on the Northern Tract adjacent to Buffalo Bayou, and the Respondent did not notify the TCEQ within 24 hours;
 - c. The three grab samples of ash were collected from within the trenched area where the ash was exposed and the only grab sample that was used for waste classification was not taken from the waste pile that was sent off-site for disposal. In addition, the samples collected contained large pieces of metal and or/glass, indicating that the samples were not representative of the whole. Additionally, the Respondent did not have a sampling plan to ensure representative samples are collected, managed, and analyzed as described in the Environmental Protection Agency ("EPA") SW-846; and
 - d. The Respondent did not keep at the Site a sampling plan for the hazardous waste determination or the waste classification analytical data of the ash waste.
3. The Executive Director recognizes that:
- a. On December 30, 2024, the Respondent provided a new Soil Management & Spill Notification Plan prepared by a professional geologist duly licensed by the State of Texas, which outlines when and how the Respondent will notify TCEQ within 24 hours of discovering the occurrence of a spill or discharge requiring such notification.
 - b. The Respondent has collected a suite of soil samples from across the Northern and Southern Tracts, and had the samples tested for lead and other metals, polycyclic aromatic hydrocarbons, total petroleum hydrocarbons, polychlorinated biphenyls, and dioxins and furans under an agreed-upon methodology. The Respondent has included documentation of and results from this effort in its submittals provided to TCEQ to comply with obligations under the Texas Risk Reduction Program ("TRRP").
 - c. The Respondent submitted to TCEQ two Affected Property Assessment Reports ("APARs") that describe the Respondent's additional investigations of the Site following its discovery of buried incinerator ash in December 2022 and September 2023:
 - i. Northern Tract:
On March 12, 2025, the Respondent submitted an APAR that focused on the Northern Tract, and submitted an addendum to the APAR on July 24, 2025.

By letter dated September 11, 2025, the Executive Director determined that benzo-a-pyrene and naphthalene were documented as exceeding air inhalation pathway PCLs, and that the Respondent's proposed Response Action Plan ("RAP") for the Northern Tract would need to address this. The Executive Director also identified that further delineation of ash on the Northern Tract needs to be completed. The Respondent provided a written response to these concerns on September 29, 2025, which is under review.

- ii. Southern Tract:

On February 19, 2025, the Respondent submitted an APAR that focused on the Southern Tract. The Respondent submitted an addendum to its proposed APAR for the Southern Tract on June 12, 2025. The Southern Tract's APAR showed that no concentrations of chemicals of concern exceeded the critical PCLs in groundwater, but soil sample analyses did show PCL exceedances for lead and total petroleum hydrocarbons.

On September 11, 2025, the Executive Director approved the Respondent's APAR for the Southern Tract and determined that it met the requirements of 30 TEX. ADMIN. CODE § 350.51. The Executive Director's approval was conditioned upon the Respondent's completion of its requirements for the APAR for the Northern Tract.
- d. The Respondent submitted to TCEQ two proposed Interim RAPs that identify the remedies (including physical and institutional controls) that would prevent exposure at the Site to concentrations of chemicals of concern (COCs) above applicable PCLs.
 - i. Northern Tract:

On March 31, 2025, the Respondent submitted a proposed Interim RAP for the Northern Tract, which proposed to excavate soils where soil PCL exceedances were found and install a clay cap to serve as a physical control. In a letter dated September 11, 2025, the Executive Director formally requested further documentation reflecting: how the proposed physical control will prevent exposure across all PCL exceedance zones; the extent of excavation; financial assurance for post-response action care; and how the proposed response action will prevent potential exposure of COCs above soil-to-air inhalation pathway PCLs. On October 24, 2025, the Respondent supplemented its submittal, with additional information, and to serve as a proposed final RAP for the Northern Tract.
 - ii. Southern Tract:

On February 19, 2025, the Respondent submitted a proposed Interim RAP for the Southern Tract, which proposed to extend an existing concrete cap to serve as a physical control. In a letter dated September 11, 2025, the Executive Director formally requested draft institutional control language to comply with TRRP requirements (e.g., as could be recorded with Harris County records as a deed restriction) and a demonstration of financial assurance for post-response action care.
- e. On October 3, 2025, the Respondent submitted a Response Action Completion Report ("RACR") for the Southern Tract, describing the completion of constructing a concrete cap over portions of the Southern Tract that contained concentrations of lead and total petroleum hydrocarbons in surface soils in excess of PCLs. In associated correspondence on the same date, the Respondent submitted records demonstrating it had filed a Deed Notice with Harris County, identifying where the aforementioned concrete cap is located, and how it must be maintained and monitored until TCEQ approves any modification.

- f. By October 20, 2025, the Respondent constructed an 8-foot-tall fence that encircles and encloses the Northern Tract to secure it from trespassers and the public. The Respondent commits to keep and maintain the fencing around the Northern Tract until response actions are completed and confirmed through TCEQ approval of a RACR for the Northern Tract.
- g. On October 28, 2025, the Respondent identified that documents including its sampling plan and analytical data for hazardous waste determinations and waste classification for the ash waste are temporarily kept at the Respondent's offices located at 2640 Fountain View Drive, Suite 3017, in Houston, Harris County, but that they are immediately and remotely accessible from the Site via an online portal. The Respondent commits that they will be moved to be physically located at the Site itself once the Site is opened and occupied.
- h. On December 2, 2025, the Executive Director determined that the Respondent's remedies on the Southern Tract as reported on its RACR have attained TRRP Remedy Standard B for residential land use. This determination was conditioned on and contingent upon the continued performance of post-response action care on the Southern Tract.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 26, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") or municipal hazardous waste ("MHW") in a manner to cause the discharge or imminent threat of discharge of ISW or MHW into or adjacent to water in the state, and to endanger public health and welfare, in violation of 30 TEX. ADMIN. CODE § 335.4(1) and (3) and TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to notify the TCEQ as soon as possible but not later than 24 hours after the occurrence of a spill or discharge, in violation of TEX. WATER CODE § 26.039(b).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to choose a representative sample of waste as described in Chapter 9 of the EPA SW-846 Compendium when conducting waste classification, in violation of 30 TEX. ADMIN. CODE § 335.509(a).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain documentation onsite of waste sampling procedures for the hazardous waste determination and waste classification analytical data, in violation of 30 TEX. ADMIN. CODE §§ 335.510 and 335.513(c)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.11(f).
6. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of \$175,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

Pursuant to TEX. WATER CODE § 7.067, \$175,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A," incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. Any payment of this penalty and the Respondent's compliance with all the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Housing Authority, Docket No. 2025-1046-IHW-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Conclusion of Law No. 7. The amount of \$175,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order:
 - i. Perform sampling and analysis of ash waste from the Site, in a manner that is sufficiently representative for waste classification purposes, as described in Chapter 9 of the EPA SW-846 Compendium, and which do not contain large pieces of metal and/or glass;
 - ii. Supplement the Site's sampling plan to ensure representative samples are collected, managed, and analyzed as described in EPA SW-846; and

- iii. Supplement the proposed RAP for the Northern Tract, to include measures for ensuring persons near the Northern Tract are protected from exposure to pollutants that may be disturbed during activities on the Northern Tract. Such measures must include: controlling dust; monitoring air quality for emissions of contaminants including lead; properly managing waste; and controlling surface water runoff. This Order requires the Respondent to continue performance of these measures for the duration of this Order.
- b. Within 30 days after the effective date of this Order, clean up and remove all known contaminated soils from the Site and dispose of them at an authorized facility using appropriate corrective measures, or address their remediation via the Respondent's obligations and timelines under TRRP, as codified in 30 TEX. ADMIN. CODE ch. 350, and pursuant to RAPs submitted to and approved by TCEQ, as described below.
- c. The Respondent shall remediate and/or address the Site pursuant to all provisions, requirements, and deadlines provided in TRRP, including the RAPs approved by the Executive Director and any post-response actions identified by TCEQ in response to any RACRs submitted for the Site.
- d. Within 60 days after completing all Response Actions set forth in the approved RAP for the Northern Tract, the Respondent shall submit a RACR to the Executive Director for approval, via the Enforcement Division at the address listed in Ordering Provision No. 3.g., below.
- e. If the Executive Director identifies deficiencies in the Respondent's proposed APAR, RAP, or RACR submittal(s), the Respondent shall address the Executive Director's concerns and submit an update to the APAR(s), RAP(s), or RACR(s) within 30 days of issuance of noted deficiencies or rejection, or by any other deadline stated in writing by TCEQ in correspondences about the APAR(s), RAP(s), or RACR(s).
- f. Respond completely and adequately, as determined by TCEQ, to all requests for information concerning the investigation results and performance of the Respondent's obligations under TRRP, within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.
- g. Within 180 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a through 3.f. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. 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 in this Order.
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, 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.
10. 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,

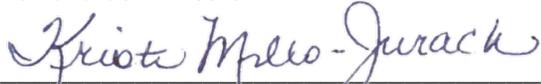
substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. 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.

11. 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



For the Executive Director

Date

01/25/2026

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 OAG 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 OAG 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

1/2/2026

Date

Jamie Bryant

Name (Printed or typed)

Authorized Representative of
Houston Housing Authority

CEO

Title

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

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

Attachment A

Docket Number: 2025-1046-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Houston Housing Authority
Penalty Amount:	\$175,000
SEP Offset Amount:	\$175,000
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Total Project Budget:	\$5,547,759.97
Location of SEP:	Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon compliance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to **Houston-Galveston Area Council-AERCO**, as a Third-Party Administrator, for its *Clean Vehicles Partnership Project* (the “Project”). The Project is to replace and/or retrofit older school buses with newer buses and/or technology that emit fewer air contaminants and reduce emissions. Third-Party Administrator shall use the SEP Offset Amount to perform the Project. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between Third-Party Administrator and TCEQ.

All dollars contributed will be used solely for the cost of implementing the Project, including for supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Respondent’s signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

This SEP will benefit air quality by reducing harmful exhaust emissions from older school buses. Older school bus engines emit larger amounts of nitrogen oxides (NO_x) and particulate matter (PM), as well as other harmful pollutants such as volatile organic compounds (VOCs) and carbon monoxide (CO) than new buses do. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce CO, NO_x, PM, and VOC emissions by replacing model year 2009 or earlier school buses with new, lower-emission buses.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to Third-Party Administrator. Respondent shall make the contribution payable to **Houston-Galveston Area Council-AERCO SEP**, and mail it with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. Records and Reporting

Together with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with proof of payment and transmittal letter indicating full payment of the SEP Offset Amount to Third-Party Administrator. Respondent shall mail or email a copy of the proof of payment and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087
SEPReports@tceq.texas.gov

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount to TCEQ.

In the event the ED determines that Respondent failed to fully implement and complete the contribution to the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the contribution to the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP coordinator at the address provided above.

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent, must include a clear statement that the contribution to the project was performed as part of the settlement of an enforcement action brought by TCEQ. Such statements include advertising, public relations, and press releases.

6. Recognition

Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has

not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.