



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

OCT 20 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 0164

Suresh Shridharani, President
Sumeer Homes, Inc.
2402 Texas Dr., Suite 103
Irving, TX 75062

Re: Administrative Order; Docket Number: CWA-06-2016-1813
NPDES Facility Number: TXR150024578

Dear Mr. Shridharani:

Enclosed is an Administrative Order (AO) issued to Sumeer Homes, Inc., for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1387. The violation was identified during a March 16, 2016 inspection of your construction site located in Oak Leaf, Texas. The inspection was conducted by the Environmental Protection Agency, Region 6 (EPA). The violation stems from seven rain events of one-quarter inch or greater at the site, which resulted in a discharge of pollutants from the site into waters of the United States in violation of Section 301 of the CWA.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and information demands. EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2016-1813 and NPDES Facility Number TXR150024578 on your response.

If you have any questions, please contact Ms. Carol Johnson, of my staff, at (214) 665-8471.

Sincerely,

A handwritten signature in black ink that reads "Stacey B. Dwyer". The signature is written in a cursive, flowing style.

Stacey B. Dwyer, P.E.
Acting Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6

Enclosure

Re: Administrative Order
Sumeer Homes, Inc.

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cc: Mr. Bryan Sinclair
Enforcement Section, MC 160
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 79711-3087



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND
INFORMATION DEMAND

Docket Number: CWA-06-2016-1813; TPDES Facility Number: TXR150024578

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Sections 308 and 309(a) of the Clean Water Act ("Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Sumeer Homes, Inc. ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violation alleged herein, Respondent owned or operated multiple lots in the Billingsley Farms Subdivision, an 80 acre construction site or development, located at E. Highlands Road and Billingsley Drive, in Oak Leaf, Ellis County, Texas ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutants" to the receiving waters of the Red Oak small Municipal Separate Storm Sewer System, thence to the Red Oak Creek, which is a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the Texas Pollutant Discharge Elimination System ("TPDES") program.

4. The facility is considered an industry by code, as identified under 40 C.F.R. § 122.26(b)(14)(x) and is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by TCEQ on February 19, 2013.

5. The facility was inspected by EPA on March 16, 2016. As a result of the inspection, the facility was found to be in violation of Section 301 of the Act, 33 U.S.C. § 1311.

6. According to the TCEQ Central Registry database that records all applications for storm water general permit coverage, Respondent did not submit a Notice of Intent ("NOI") for permit coverage for its activities at the facility, and was not covered by a TPDES permit at the relevant times for the relevant activities.

7. During the time period of January 1, 2016 to March 18, 2016, there were seven rainfall events of one-quarter inch or greater at the facility resulting in unauthorized discharges of pollutants from the facility. Unauthorized discharges from the facility are a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement a site-specific Storm Water Pollution Prevention Plan ("SWPPP") and apply for TPDES permit coverage, either by filing an individual permit application or an NOI to be covered by an applicable TPDES general permit for discharges from the facility. Respondent shall cease and prevent all unpermitted discharges from the facility. The NOI should be submitted by one of the following methods:

- 1) By regular mail to:
Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
P.O. Box 13087
Austin, TX 78711-3087
- 2) By overnight/express mail to:
Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
12100 Park 35 Circle
Austin, TX 78753
- 3) Via the internet at:
https://www.tceq.texas.gov/permitting/stormwater/WQ_electronic.html

For a status update on your NOI, call TCEQ at (512) 239-4671.

B. Respondent shall simultaneously forward a certified copy of the SWPPP and eNOI application to EPA at the following address:

Ms. Carol Johnson
Water Enforcement Branch (6EN-WS)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

The effective date of this Order is the date it is received by Respondent.

Oct. 20, 2016
Date

C. Any other information or correspondence submitted by Respondent to EPA under this Order shall also be forwarded to the above address.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

Stacey B. Dwyer
Stacey B. Dwyer, P.E.
Acting Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance to EPA, Region 6.

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violation cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, the Section 308 Information Demand, or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.