

**Executive Summary – Enforcement Matter – Case No. 58369**  
**FIGURE FOUR PARTNERS, LTD.**  
**RN110463163**  
**Docket No. 2019-1405-WQ-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

WQ

**Small Business:**

Yes

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

Woodridge Village, located approximately 500 yards southeast of the intersection of Ford Road and Webb Street, Porter, Montgomery County

**Type of Operation:**

Residential construction site

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 5, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$15,183

**Amount Deferred for Expedited Settlement:** \$3,036

**Total Paid to General Revenue:** \$12,147

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 17, 2019 through June 18, 2019

**Date(s) of NOE(s):** August 30, 2019

**Executive Summary – Enforcement Matter – Case No. 58369  
FIGURE FOUR PARTNERS, LTD.  
RN110463163  
Docket No. 2019-1405-WQ-E**

***Violation Information***

Failed to design, install, and maintain effective best management practices ("BMPs") to minimize the discharge of pollutants. Specifically, effective BMPs had not been installed and maintained at the double-barrel concrete box culvert in the southeast corner of the Site, resulting in sediment-laden stormwater discharging from the Site and discoloring approximately 2.5 miles of Taylor Gully [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and terminated Texas Pollutant Discharge Elimination System General Permit No. TXR15387Q, Part III, Sections G.1 and G.4].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent no longer owns or operates the Site as of March 4, 2021.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Caleb Olson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5856; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Kathy P. Britton, Chief Executive Officer, FIGURE FOUR PARTNERS, LTD., 9000 Gulf Freeway, Suite 110, Houston, Texas 77017  
Taylor Gunn, Director of Development, FIGURE FOUR PARTNERS, LTD., 9000 Gulf Freeway, Suite 110, Houston, Texas 77017

**Respondent's Attorney:** Cynthia J. Bishop, C Bishop Law PC, P.O. Box 612994, Dallas, Texas 75261



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	3-Sep-2019	<b>Screening</b>	12-Sep-2019	<b>EPA Due</b>	
	<b>PCW</b>	13-May-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	FIGURE FOUR PARTNERS, LTD.				
<b>Reg. Ent. Ref. No.</b>	RN110463163				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58369	<b>No. of Violations</b>	1
<b>Docket No.</b>	2019-1405-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$11,250**

### 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** **-\$1,125**

<b>Notes</b>	Reduction for High Performer classification.
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**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

<b>Notes</b>	The Respondent does not meet the culpability criteria.
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**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts	\$5,058	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$10,125**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **50.0%** Adjustment **\$5,058**

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance with the Violation.
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**Final Penalty Amount** **\$15,183**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$15,183**

**DEFERRAL** **20.0%** Reduction Adjustment **-\$3,036**

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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**PAYABLE PENALTY** **\$12,147**

**Screening Date** 12-Sep-2019

**Docket No.** 2019-1405-WQ-E

**PCW**

**Respondent** FIGURE FOUR PARTNERS, LTD.

*Policy Revision 4 (April 2014)*

**Case ID No.** 58369

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN110463163

**Media** Water Quality

**Enf. Coordinator** Caleb Olson

### 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 12-Sep-2019

Docket No. 2019-1405-WQ-E

PCW

Respondent FIGURE FOUR PARTNERS, LTD.

Policy Revision 4 (April 2014)

Case ID No. 58369

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110463163

Media Water Quality

Enf. Coordinator Caleb Olson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and terminated Texas Pollutant Discharge Elimination System General Permit No. TXR15387Q, Part III, Sections G.1 and G.4

Violation Description Failed to design, install, and maintain effective best management practices ("BMPs") to minimize the discharge of pollutants. Specifically, effective BMPs had not been installed and maintained at the double-barrel concrete box culvert in the southeast corner of the Site, resulting in sediment-laden stormwater discharging from the Site and discoloring approximately 2.5 miles of Taylor Gully.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	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 \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 87

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the June 17, 2019 investigation start date to the September 12, 2019 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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,058

Violation Final Penalty Total \$15,183

This violation Final Assessed Penalty (adjusted for limits) \$15,183

## Economic Benefit Worksheet

**Respondent** FIGURE FOUR PARTNERS, LTD.  
**Case ID No.** 58369  
**Reg. Ent. Reference No.** RN110463163  
**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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### 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	\$5,000	17-Jun-2019	12-Sep-2019	0.24	\$58	\$5,000	\$5,058
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to evaluate the effectiveness of the Stormwater Pollution Prevention Plan, and complete any necessary adjustments of the BMPs to prevent unauthorized discharges from the Site. The Date Required is the investigation start date, and the Final Date is the screening date.

Approx. Cost of Compliance \$5,000

**TOTAL** \$5,058

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 CN603783838, RN110463163, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN603783838, FIGURE FOUR PARTNERS, LTD. **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN110463163, WOODRIDGE VILLAGE **Classification:** UNCLASSIFIED **Rating:** -----

**Complexity Points:** 3 **Repeat Violator:** NO

**CH Group:** 09 - Construction

**Location:** Approximately five hundred yards southeast of the intersection of Ford Road and Webb Street in Porter, Montgomery County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**STORMWATER PERMIT TXR15784Y** **STORMWATER PERMIT TXR15387Q**

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** February 05, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 05, 2015 to February 05, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Caleb Olson **Phone:** (817) 588-5856

## **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

### **H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FIGURE FOUR PARTNERS, LTD.  
RN110463163**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2019-1405-WQ-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FIGURE FOUR PARTNERS, LTD. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Ms. Cynthia J. Bishop of the law firm of C Bishop Law PC, together stipulate that:

1. The Respondent owned and operated a residential construction site located approximately five hundred yards southeast of the intersection of Ford Road and Webb Street in Porter, Montgomery County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,183 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,147 of the penalty and \$3,036 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent no longer owns or operates the Site as of March 4, 2021.

## **II. ALLEGATIONS**

During an investigation conducted from June 17, 2019 through June 18, 2019, an investigator documented that the Respondent failed to design, install, and maintain effective best management practices ("BMPs") to minimize the discharge of pollutants, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and terminated Texas Pollutant Discharge Elimination System General Permit No. TXR15387Q, Part III, Sections G.1 and G.4. Specifically, effective BMPs had not been installed and maintained at the double-barrel concrete box culvert in the southeast corner of the Site, resulting in sediment-laden stormwater discharging from the Site and discoloring approximately 2.5 miles of Taylor Gully.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: FIGURE FOUR PARTNERS, LTD., Docket No. 2019-1405-WQ-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

FIGURE FOUR PARTNERS, LTD.  
DOCKET NO. 2019-1405-WQ-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date



\_\_\_\_\_  
1/25/2022

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

DocuSigned by:

  
Signature

10/8/2021 | 9:03 AM CDT

\_\_\_\_\_  
Date

Taylor Gunn

\_\_\_\_\_  
Director of Development

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
FIGURE FOUR PARTNERS, LTD.

\_\_\_\_\_  
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.