

Executive Summary – Enforcement Matter – Case No. 65130

FPG CT Owner, LP

RN101052751

Docket No. 2023-1732-IWD-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:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

JPMorgan Chase Tower, 2200 Ross Avenue, Dallas, Dallas County

Type of Operation:

Office tower housing service-related businesses

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 22, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,000

Total Paid to General Revenue: \$36,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 31, 2023

Date(s) of NOE(s): November 9, 2023

Executive Summary – Enforcement Matter – Case No. 65130

FPG CT Owner, LP

RN101052751

Docket No. 2023-1732-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for total copper and daily average flow [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004161000 Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 31, 2024, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0004161000.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Joel Kestenbaum, President, FPG CT Owner, LP, 45 Main Street, Suite 800, Brooklyn, New York 11201

Michael Dockins, Senior Property Manager, FPG CT Owner, LP, 45 Main Street, Suite 800, Brooklyn, New York 11201

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-Nov-2023	Screening	21-Nov-2023	EPA Due	
	PCW	17-Jul-2024				

RESPONDENT/FACILITY INFORMATION			
Respondent	EPG CT Owner, LP		
Reg. Ent. Ref. No.	RN101052751		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	65130	No. of Violations	3
Docket No.	2023-1732-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taylor Williamson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+ / -) TO SUBTOTAL 1

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

Compliance History	70.0 %	Adjustment	Subtotals 2, 3, & 7	\$15,750
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Notes	Enhancement for nine months of self-reported effluent violations and one agreed order without a denial of liability.			
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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	-\$2,250
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Economic Benefit	0.0 %	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,126	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,000
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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	\$36,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$36,000
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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	\$36,000
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Screening Date	21-Nov-2023	Docket No.	2023-1732-IWD-E	PCW
Respondent	FPG CT Owner, LP			
Case ID No.	65130			
Reg. Ent. Reference No.	RN101052751			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 21-Nov-2023 Respondent FPG CT Owner, LP Case ID No. 65130 Reg. Ent. Reference No. RN101052751 Media Water Quality Enf. Coordinator Taylor Williamson	Docket No. 2023-1732-IWD-E	PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021
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Violation Number	1	Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004161000 Effluent Limitations and Monitoring Requirements No. 1
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	x			
	Potential				

	Percent	50.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

	Percent	0.0%
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Matrix Notes	Total copper was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$12,500
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	\$12,500
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Violation Events

Number of Violation Events	1	30	Number of violation days
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	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$12,500
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One monthly event is recommended for the month of June 2023.	
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Good Faith Efforts to Comply

	10.0 %				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary		x			
N/A					

Notes	The Respondent achieved compliance by May 31, 2024.
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Violation Subtotal	\$11,250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1,126

	Violation Final Penalty Total	\$20,000
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This violation Final Assessed Penalty (adjusted for limits)	\$20,000
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Economic Benefit Worksheet

Respondent FPG CT Owner, LP
Case ID No. 65130
Reg. Ent. Reference No. RN101052751
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)	\$15,000	30-Nov-2022	31-May-2024	1.50	\$1,126	n/a	\$1,126

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, 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

\$15,000

TOTAL

\$1,126

Screening Date	21-Nov-2023	Docket No.	2023-1732-IWD-E	PCW
Respondent	FPG CT Owner, LP	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65130			
Reg. Ent. Reference No.	RN101052751			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004161000 Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	

> > Environmental, Property and Human Health Matrix

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

> > Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				Percent	0.0%

Matrix Notes	Total copper was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$18,750
	\$6,250

Violation Events

Number of Violation Events	1		30	Number of violation days	
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	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$6,250
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One monthly event is recommended for the month of April 2023.

Good Faith Efforts to Comply

	10.0%		Reduction	\$625
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				

Notes	The Respondent achieved compliance by May 31, 2024.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$0
Violation Final Penalty Total	\$10,000
This violation Final Assessed Penalty (adjusted for limits)	
	\$10,000

Economic Benefit Worksheet

Respondent FPG CT Owner, LP
Case ID No. 65130
Reg. Ent. Reference No. RN101052751
Media Water Quality
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection / Reporting / Sampling				0.00	\$0	\$0	\$0
Supplies / Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Nov-2023 Respondent FPG CT Owner, LP Case ID No. 65130 Reg. Ent. Reference No. RN101052751 Media Water Quality Enf. Coordinator Taylor Williamson	Docket No. 2023-1732-IWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 3			
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004161000 Effluent Limitations and Monitoring Requirements No. 1			
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		x
	Potential		
		Percent	15.0%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
		Percent	0.0%
Matrix Notes	Flow was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		\$21,250	
		\$3,750	
Violation Events			
Number of Violation Events		1	30 Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
		Violation Base Penalty	\$3,750
One quarterly event is recommended for the quarter containing the month of November 2022.			
Good Faith Efforts to Comply		10.0%	Reduction \$375
	Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer		
	Extraordinary		
	Ordinary		x
	N/A		
	Notes	The Respondent achieved compliance by May 31, 2024.	
Violation Subtotal		\$3,375	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$0	Violation Final Penalty Total \$6,000
		This violation Final Assessed Penalty (adjusted for limits) \$6,000	

Economic Benefit Worksheet

Respondent FPG CT Owner, LP
Case ID No. 65130
Reg. Ent. Reference No. RN101052751
Media Water Quality
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				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

See Economic Benefit for Violation 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection / Reporting / Sampling				0.00	\$0	\$0	\$0
Supplies / Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

FPG CT Owner, LP
 TPDES Permit No. WQ0004161000
 Case No. 65130
 Docket No. 2023-1732-IWD-E

Effluent Violation Table			
Parameter	Total Copper Daily Avg. Conc.	Total Copper Daily Max. Conc.	Flow Daily Avg.
Month/Year	Limit = 0.058 mg/L	Limit = 0.123 mg/L	Limit = 0.155 MGD
November 2022	c	c	0.163
April 2023	0.0878	c	c
June 2023	0.4011	0.787	c

Avg. = average Conc. = concentration Max. = maximum mg/L = milligrams per liter
 MDG = million gallons per day c = compliant



Compliance History Report

Compliance History Report for CN605227032, RN101052751, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605227032, FPG CT Owner, LP
Classification: SATISFACTORY
Rating: 6.80

Regulated Entity: RN101052751, JPMORGAN CHASE TOWER
Classification: SATISFACTORY
Rating: 6.80

Complexity Points: 5
Repeat Violator: NO

CH Group: 14 - Other

Location: 2200 Ross Avenue, Dallas, Dallas County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0004161000
WASTEWATER EPA ID TX0119784

Compliance History Period: September 01, 2018 to August 31, 2023
Rating Year: 2023
Rating Date: 09/01/2023

Date Compliance History Report Prepared: May 30, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 30, 2019 to May 30, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Taylor Williamson
Phone: (512) 239-2097

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 06/17/2022 ADMINORDER 2021-0359-IWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 17, 2019	(1586887)	Item 9	March 16, 2021	(1730841)
Item 2	July 17, 2019	(1594995)	Item 10	April 19, 2021	(1730842)
Item 3	September 11, 2019	(1608195)	Item 11	June 17, 2021	(1748497)
Item 4	October 23, 2019	(1615064)	Item 12	July 14, 2021	(1753454)
Item 5	December 17, 2019	(1628204)	Item 13	August 17, 2021	(1758843)
Item 6	March 16, 2020	(1648955)	Item 14	September 10, 2021	(1768181)
Item 7	December 10, 2020	(1717795)	Item 15	October 19, 2021	(1778718)
Item 8	January 19, 2021	(1717796)			

Item 16	November 16, 2021	(1785385)	Item 25	August 17, 2022	(1850203)
Item 17	December 07, 2021	(1792424)	Item 26	September 19, 2022	(1857973)
Item 18	January 19, 2022	(1800271)	Item 27	October 19, 2022	(1864327)
Item 19	February 10, 2022	(1808101)	Item 28	November 03, 2022	(1848121)
Item 20	March 08, 2022	(1815143)	Item 29	November 16, 2022	(1871235)
Item 21	April 18, 2022	(1821711)	Item 30	January 13, 2023	(1883901)
Item 22	May 17, 2022	(1830611)	Item 31	March 20, 2023	(1900286)
Item 23	June 16, 2022	(1836858)	Item 32	April 18, 2023	(1907086)
Item 24	July 14, 2022	(1844044)	Item 33	June 15, 2023	(1920848)

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.

1	Date: 06/30/2023 (1927832)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 07/31/2023 (1934775)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 08/31/2023 (1940950)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 09/30/2023 (1947749)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 10/31/2023 (1953438)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 11/30/2023 (1963221)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 12/31/2023 (1969798)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8	Date: 01/31/2024 (1978877)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
9	Date: 02/29/2024 (1985439)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

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
FPG CT OWNER, LP
RN101052751

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

AGREED ORDER DOCKET NO. 2023-1732-IWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FPG CT Owner, LP (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 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 and operates office tower housing service-related business located at 2200 Ross Avenue in Dallas, Dallas County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review at the Facility conducted on August 31, 2023, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below.

Effluent Violation Table			
Parameter	Total Copper Daily Avg. Conc.	Total Copper Daily Max. Conc.	Flow Daily Avg.
Month/Year	Limit = 0.058 mg/L	Limit = 0.123 mg/L	Limit = 0.155 MGD
November 2022	c	c	0.163
April 2023	0.0878	c	c
June 2023	0.4011	0.787	c

Avg. = average Conc. = concentration Max. = maximum mg/L = milligrams per liter
MDG = million gallons per day c = compliant

3. The Executive Director recognizes that by May 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004161000.

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. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0004161000 Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the 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.
4. An administrative penalty in the amount of \$36,000 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$36,000 penalty.

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. 4 for violations of state statutes and rules of the TCEQ. The 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: FPG CT Owner, LP, Docket No. 2023-1732-IWD-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. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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. 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.
6. 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.
7. 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.
8. 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.

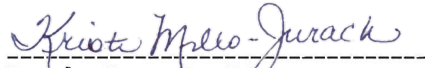
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



09/20/2025

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 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

07/08/2025

Date

Michael Dockins

Senior Property Manager

Name (Printed or typed)
Authorized Representative of
FPG CT Owner, LP

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.