

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-1188-MWD-E TCEQ ID: RN101613461 CASE NO.: 17893

RESPONDENT NAME: MPR INVESTMENTS, LLC DBA OAK RIDGE SQUARE MOBILE HOME PARK

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 248 East Bethesda Road, Burleson, Johnson County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired August 24, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Water Enforcement Section, MC 169, (512) 239-4493

TCEQ Regional Contact: Mr. Sid Slocum, Fort Worth Regional Office, MC R-04, (817) 588-5901

Respondent: Ms. Carol Reince, Partner, MPR Investments, LLC dba Oak Ridge Square Mobile Home Park, 8600 Iron Gate Court, Fort Worth, Texas 76179

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 27, 2004</p> <p>Date of NOE Relating to this Case: July 12, 2004</p> <p>Background Facts: The EDPRP was filed September 16, 2005. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on June 18, 2009.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements. The Respondent paid the past-due Water Quality fees, and still owes \$1,304.01 in past-due Public Health Service fees.</p> <p>MWD:</p> <ol style="list-style-type: none"> Failed to submit the Annual Sludge Report that was due on September 1, 2003 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13376-001, Sludge Provision No. B. 1]. Failed to maintain operation of the Facility treatment units to adequately treat wastewater, failed to adequately maintain the Facility pump/blower, clarifier, and chlorine contact chamber to obtain adequate wastewater treatment, failed to prevent the unauthorized discharge of inadequately treated wastewater, and failed to comply with permitted effluent limits [30 TEX. ADMIN. CODE §§ 305.125(1), (4), and (5), 317.4(d) and (g), and 317.6(b)(1); TPDES Permit No. 13376-001, Operational Requirements No. 1, Permit Conditions No. 2(g), Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6; and TEX. WATER CODE § 26.121(a)]. Failed to submit noncompliance notification for the unauthorized discharge of inadequately treated wastewater and the upset condition of the Facility; and failed to submit monthly Discharge Monitoring Reports ("DMRs") as required [30 TEX. ADMIN. CODE §§ 305.125(9) and 319.7(d); and TPDES Permit No. 13376-001, Monitoring and Reporting Requirements Nos. 1, 7(a) and 7(b)(i)]. 	<p>*Initial Calculated Penalty: \$15,400</p> <p>Total Assessed: \$ 14,650</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$475/\$14,175</p> <p>The Respondent paid \$475 of the administrative penalty. The remaining amount of \$14,175 shall be payable in 35 monthly payments of \$405 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Three or more NOVs for the same violations within the previous 5 years.</p> <p>*Explanation of Initial Calculated Penalty Reduction: Due to the age of the case, the penalty was reduced by \$750 to expedite settlement</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin maintaining all required records at the Facility for TCEQ review; and Begin submitting noncompliance notifications. Within 30 days: <ol style="list-style-type: none"> Submit all delinquent DMRs for the Facility; Pay all outstanding fees, including any associated penalties and interest; and Submit a complete sludge report, which includes the location of the sludge disposal site. Within 60 days, develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solid balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ certified wastewater operator. Within 120 days, submit written certification of compliance with the effluent limits of TPDES Permit No. 13376-001. Within 135 days, submit written certification demonstrating compliance with the Ordering Provisions listed above.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to maintain sampling records and operation and maintenance ("O & M") records on site [30 TEX. ADMIN. CODE §§ 305.125(1), 319.7(a); and TPDES Permit No. 13376-001, Monitoring and Reporting Requirements No. 3(b) and Operational Requirements No.1].</p> <p>5. Failed to pay the assessed Consolidated Water Quality late fees for Fiscal Year ("FY") 2005 for Account No. 23003917, and failed to pay the assessed Public Health Service fee and associated late fees for FY 2002, 2003, and 2004 for Account No. 90200183 [30 TEX. ADMIN. CODE §§ 21.3(b)(1) and 290.51(a)(3); and TEX. WATER CODE § 5.702].</p>		



DATES

PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
Reg. Ent. Ref. No.
Additional ID No(s)
Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
Docket No. Order Type
Case Priority Enf. Coordinator
Media Program(s) EC's Team
Multi-Media
Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

Before NOV NOV to EDPRP/Settlement Offer
Extraordinary
Ordinary
N/A (mark with a small x)

Notes

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts *Capped at the Total EB \$ Amount
Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Reduction Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s). TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Site Address 248 East Bethesda Road, Burleson, Johnson County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 40%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes The respondent received NOVs dated September 12, 2000, June 15, 2001, and July 1, 2002 for the same or similar violations and self-reported five monthly effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s) TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code 305.125(1) and TPDES Permit No. 13376-001
Sludge Provisions No. B. 1

Secondary Rule Cite(s)

Violation Description

Failure to submit the Annual Sludge Report that was due on September 1, 2003, as documented during the May 27, 2004 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failure to submit the Annual Sludge Report negated 100% of the intent of this rule and permit provision.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$1,000

One single event is recommended based on the investigation date of May 27, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$770

This violation Final Assessed Penalty (adjusted for limits) \$770

Economic Benefit Worksheet

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park
Case ID No. 17893
Reg. Ent. Reference No. RN101613461
Additional ID No(s). TPDES Permit No. 13376-001
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	01-Sep-2003	01-Sep-2004	1.0	\$3	n/a	\$3
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	This is the estimated cost to prepare an Annual Sludge Report, make copies, and mail a copy to the TCEQ.						

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$50

TOTAL \$3

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s). TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 2

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code §§ 305.125(1), (4), (5), 317.4(d), 317.4(g), 317.4(g)(4)(B), and 317.6(b)(1), TPDES Permit No. 13376-001 Operational Requirements No. 1, Permit Conditions No. 2(g), Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, and Tex. Water Code § 26.121(a)

Failure to maintain operation of Facility treatment units to adequately treat wastewater, failure to adequately maintain the Facility pump/blower, clarifier, and chlorine contact chamber to obtain adequate wastewater treatment, failure to prevent the unauthorized discharge of inadequately treated wastewater, and failure to comply with permitted effluent limits as shown in the attached violation table and documented during the May 27, 2004 and June 1, 2004 investigations. As documented during the May 27, 2004 investigation, the clarifier contained an excessive amount of solids; the Facility pump/blower system was not operational; the aeration basins were cloudy and foamy; and the chlorine contact chamber was not operating efficiently. A temporary pump being utilized was not operating effectively. As a result, the Facility was discharging inadequately treated effluent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent 25%
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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 this violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$5,000

Two single events are recommended based on the May 27, 2004 investigation and June 1, 2004 follow-up investigation dates.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,190

Violation Final Penalty Total \$3,850

This violation Final Assessed Penalty (adjusted for limits) \$3,850

Economic Benefit Worksheet

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park
 Case ID No. 17893
 Reg. Ent. Reference No. RN101613461
 Additional ID No(s). TPDES Permit No. 13376-001
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel	\$8,000	27-May-2004	01-Jan-2005	0.6	\$240	\$4,800	\$5,040
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	\$5,000	27-May-2004	01-Jan-2005	0.6	\$150	\$3,000	\$3,150
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated supplies and equipment cost is to install a back up electrical generator to be utilized in times of electrical failures. The estimated personnel cost is for salary to hire a part-time operator to provide additional oversight at the Facility.

Approx. Cost of Compliance \$13,000
TOTAL \$8,190

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s). TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(9), 319.7(d), and TPDES Permit No. 13376-001 Monitoring and Reporting Requirements No. 1, 7(a) and 7(b)(i)

Secondary Rule Cite(s)

Violation Description Failure to submit noncompliance notification for the unauthorized discharge of inadequately treated wastewater and the upset condition of the Facility documented during the May 27, 2004 investigation. Failure to submit monthly DMRs as required. During the May 27, 2004 investigation it was discovered that the respondent had not submitted DMRs for the previous 13 months.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failure to submit noncompliance notification for the violations and failure to submit the DMRs negated 100% of the intent of these rules.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 13

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$13,000

Thirteen monthly events are recommended based on the 13 month period (May 2003 through May 2004) in which DMRs were not submitted and for failing to submit noncompliance notification for the violations.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$118

Violation Final Penalty Total \$10,010

This violation Final Assessed Penalty (adjusted for limits) \$10,010

Economic Benefit Worksheet

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park
 Case ID No. 17893
 Reg. Ent. Reference No. RN101613461
 Additional ID No(s). TPDES Permit No. 13376-001
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$110	20-May-2003	28-May-2004	1.0	\$6	\$113	\$118
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

This is the estimated cost to prepare the monthly DMRs, make copies, and send the original to the TCEQ Enforcement Division and to prepare noncompliance notification and submit it to the DFW Regional Office and the TCEQ Enforcement Division.

Approx. Cost of Compliance \$110

TOTAL \$118

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s). TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 4

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code §§ 305.125(1), 319.7(a), and TPDES Permit No. 13376-001 Monitoring and Reporting Requirements No. 3(b) and Operational Requirements No. 1
Failure to maintain sampling and operation and maintenance ("O & M") records on site, as documented during the May 27, 2004 investigation. Lab records for 2004 and O & M records were not available at the time of the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failure to maintain records negated 100% of the intent of this rule.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended based on the May 27, 2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$770

This violation Final Assessed Penalty (adjusted for limits) \$770

Economic Benefit Worksheet

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park
 Case ID No. 17893
 Reg. Ent. Reference No. RN101613461
 Additional ID No(s). TPDES Permit No. 13376-001
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$10	01-Jan-2003	01-May-2005	2.3	\$1	n/a	\$1
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to maintain sampling and O & M records at the Facility.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

TOTAL \$1

Screening Date 27-Jul-2004

Docket No. 2004-1188-MWD-E

PCW

Respondent MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park

ision 2 (September 2002)

Case ID No. 17893

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101613461

Additional ID No(s). TPDES Permit No. 13376-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 21.3(b)(1) [formerly § 220.21], 290.51(a)(3), and Tex. Water Code § 5.702

Secondary Rule Cite(s)

Violation Description Failure to pay the assessed Consolidated Water Quality late fees for FY 05 for Account No. 23003917 and failure to pay the assessed Public Health Service fee and associated late fees for FY 02, 03, and 04 for Account No. 90200183.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent

Matrix Notes

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No penalty is assessed for these violations.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent: MPR Investments L. L. C. dba Oak Ridge Square Mobile Home Park
 Case ID No: 17893
 Reg. Ent. Reference No: RN101613461
 Additional ID No(s): TPDES Permit No. 13376-001
 Media (Statute): Water Quality
 Violation No: 5

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yes	Interest Saved	Gratuity Costs	EB Amount
------	-----------	---------------	------------	-----	----------------	----------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZED avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600690358 MPR Investments, LLC	Classification: AVERAGE	Rating: 1.230
Regulated Entity:	RN101613461 OAK RIDGE SQUARE MHP	Classification: AVERAGE	Site Rating: 1.23
ID Number(s):	WASTEWATER	PERMIT	TPDES0102806
	WASTEWATER	PERMIT	WQ0013376001
	WASTEWATER LICENSING	LICENSE	WQ0013376001
Location:	248 E BETHESDA RD, BURLESON, TX, 76028	Rating Date: 9/1/04 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	October 26, 2004		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 26, 1999 to October 26, 2004		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Pamela Campbell Phone: 512 239-4493

Site Compliance History Components

- | | |
|--|------------|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 09/27/2000 (221539)
- 2 02/22/2001 (221540)
- 3 10/04/2002 (13299)
- 4 03/23/2001 (221541)
- 5 03/15/2000 (221542)
- 6 04/17/2000 (221543)
- 7 04/23/2001 (221544)
- 8 05/18/2000 (221545)
- 9 06/20/2000 (221546)
- 10 07/17/2000 (221547)
- 11 08/16/2000 (221548)
- 12 09/14/2000 (221549)
- 13 10/23/2000 (221550)
- 14 11/17/2000 (221551)
- 15 12/19/2000 (221552)
- 16 09/27/2000 (221553)
- 17 01/16/2001 (221554)
- 18 09/27/2000 (221555)
- 19 09/12/2000 (247521)

20 06/15/2001 (39266)

21 07/05/2002 (2169)

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

Date: 01/31/2001 (221540) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2001 (221541) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2000 (221546) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2000 (221547) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2000 (221548) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/12/2000 (247521) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/15/2001 (39266) Classification: Minor
Self Report? NO
Rqmt Prov: OP IA
Description: FAILURE TO COMPLY

Date: 07/01/2002 (2169) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain flow measurement log

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permitted effluent limits.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to have records available during investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to keep daily log

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to correctly calculate loading

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(5)
Description: Failure to provide back up power

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
Description: Failure to maintain treatment unit.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: failure to maintain treatment unit

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
MPR INVESTMENTS, LLC DBA
OAK RIDGE SQUARE MOBILE
HOME PARK,
RN101613461

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-1188-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MPR Investments, LLC dba Oak Ridge Square Mobile Home Park ("MPR Investments") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and MPR Investments, presented this agreement to the Commission.

MPR Investments understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, MPR Investments agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon MPR Investments.

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

FINDINGS OF FACT

1. MPR Investments owns and operates a wastewater treatment facility located at 248 East Bethesda Road, Burleson, Johnson County, Texas (the "Facility").

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
3. During an investigation conducted on May 27, 2004, a TCEQ Dallas/Fort Worth Regional Office investigator documented that MPR Investments:
 - a. Failed to submit the Annual Sludge Report that was due on September 1, 2003.
 - b. Failed to maintain operation of the Facility treatment units to adequately treat wastewater, failed to adequately maintain the Facility pump/blower, clarifier, and chlorine contact chamber to obtain adequate wastewater treatment, failed to prevent the unauthorized discharge of inadequately treated wastewater, and failed to comply with permitted effluent limits. Specifically, the clarifier contained an excessive amount of solids; the Facility pump/blower system was not operational; the aeration basins were cloudy and foamy; and the chlorine contact chamber was not operating efficiently. A temporary pump being utilized was not operating effectively. As a result, the Facility was discharging inadequately treated effluent.
 - c. Failed to submit noncompliance notification for the unauthorized discharge of inadequately treated wastewater and the upset condition of the Facility; and failed to submit monthly Discharge Monitoring Reports ("DMRs") as required. Specifically, it was discovered that the respondent had not submitted DMRs for the previous 13 months, i.e., May 2003 through May 2004.
 - d. Failed to maintain sampling records, and operation and maintenance ("O & M") records on site. Specifically, lab records for 2003 and O & M Records were not available at the time of the investigation.
 - e. Failed to pay the assessed Consolidated Water Quality late fees for Fiscal Year ("FY") 2005 for Account No. 23003917, and failed to pay the assessed Public Health Service fee and associated late fees for FY 2002, 2003, and 2004 for Account No. 90200183.
4. MPR Investments received notice of the violations on or about July 17, 2004.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, MPR Investments is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7, and 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., MPR Investments failed to submit the Annual Sludge Report that was due on September 1, 2003, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13376-001, Sludge Provision No. B. 1.
3. As evidenced by Finding of Fact No. 3.b., MPR Investments failed to maintain operation of the Facility treatment units to adequately treat wastewater, failed to adequately maintain the Facility pump/blower, clarifier, and chlorine contact chamber to obtain adequate wastewater treatment, failed to prevent the unauthorized discharge of inadequately treated wastewater, and failed to comply with permitted effluent limits. Specifically, the clarifier contained an excessive amount of solids; the Facility pump/blower system was not operational; the aeration basins were cloudy and foamy; and the chlorine contact chamber was not operating efficiently. A temporary pump being utilized was not operating effectively. As a result, the Facility was discharging inadequately treated effluent, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), (4), and (5), 317.4(d) and (g), and 317.6(b)(1); TPDES Permit No. 13376-001, Operational Requirements No. 1, Permit Conditions No. 2(g), Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6; and TEX. WATER CODE § 26.121(a).
4. As evidenced by Finding of Fact No. 3.c., MPR Investments failed to submit noncompliance notification for the unauthorized discharge of inadequately treated wastewater and the upset condition of the Facility; and failed to submit monthly Discharge Monitoring Reports ("DMRs") as required. Specifically, it was discovered that the respondent had not submitted DMRs for the previous 13 months, i.e., May 2003 through May 2004, in violation of 30 TEX. ADMIN. CODE §§ 305.125(9) and 319.7(d); and TPDES Permit No. 13376-001, Monitoring and Reporting Requirements Nos. 1, 7(a) and 7(b)(i).
5. As evidenced by Finding of Fact No. 3.d., MPR Investments failed to maintain sampling records, and operation and maintenance ("O & M") records on site. Specifically, lab records for 2003 and O & M Records were not available at the time of the investigation, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.7(a); and TPDES Permit No. 13376-001, Monitoring and Reporting Requirements No. 3(b) and Operational Requirements No.1.
6. As evidenced by Finding of Fact No. 3.e., MPR Investments failed to pay the assessed Consolidated Water Quality late fees for Fiscal Year ("FY") 2005 for Account No. 23003917, and failed to pay the assessed Public Health Service fee and associated late fees for FY 2002, 2003, and 2004 for Account No. 90200183, in violation of 30 TEX. ADMIN.

CODE §§ 21.3(b)(1) and 290.51(a)(3); and TEX. WATER CODE § 5.702.

7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against MPR Investments for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of fourteen thousand six hundred fifty dollars (\$14,650.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. MPR Investments has paid four hundred seventy-five dollars (\$475.00) of the administrative penalty. The remaining amount of fourteen thousand one hundred seventy-five dollars (\$14,175.00) of the administrative penalty shall be payable in 35 monthly payments of four hundred five dollars (\$405.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If MPR Investments fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of MPR Investments to meet the payment schedule of this Agreed Order constitutes the failure by MPR Investments to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. MPR Investments is assessed an administrative penalty in the amount of fourteen thousand six hundred fifty dollars (\$14,650.00) as set forth in Conclusion of Law No. 8 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and MPR Investments' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: MPR Investments, LLC dba Oak Ridge Square Mobile Home Park; Docket No. 2004-1188-MWD-E" to:

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

2. MPR Investments shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, MPR Investments shall begin:
 - i. Maintaining all required records at the Facility for TCEQ review; and
 - ii. Submitting noncompliance notifications in accordance with 30 TEX. ADMIN. CODE § 305.125(9).
 - b. Within 30 days after the effective date of this Agreed Order, MPR Investments shall submit all delinquent DMRs for the Facility in accordance with the requirements of 30 TEX. ADMIN. CODE § 319.7(d) (relating to Documentation of Monitoring Activities) and TPDES Permit No. 13376-001. These reports shall be submitted to:

Compliance Monitoring Team
Enforcement Division MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - c. Within 30 days after the effective date of the Commission Order, MPR Investments shall pay all outstanding fees, including any associated penalties and interest and with the notation, "MPR Investments, L.L.C. dba Oak Ridge Square Mobile Home Park, Account Nos. 2300319 and 90200183" to:

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

- d. Within 30 days after the effective date of the Commission Order, MPR Investments shall submit a complete sludge report, which includes the location of the sludge disposal site, to the TCEQ Enforcement Division;
- e. Within 60 days after the effective date of the Commission Order, MPR Investments shall develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solid balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ certified wastewater operator;
- f. Within 120 days after the effective date of the Commission Order, MPR Investments shall submit written certification of compliance with the effluent limits of TPDES Permit No. 13376-001; and
- g. Within 135 days after the effective date of this Agreed Order, MPR Investments shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.f., above.

The certification shall be notarized by a State of Texas Notary Public and 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 that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

MPR Investments shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Mr. Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon MPR Investments. MPR Investments is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If MPR Investments fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, MPR Investments' failure to comply is not a violation of this Agreed Order. MPR Investments has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. MPR Investments shall notify the Executive Director within seven days after MPR Investments becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by MPR Investments shall be made in writing to the Executive Director. Extensions are not effective until MPR Investments receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to MPR Investments if the Executive Director determines that MPR Investments has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against MPR Investments in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

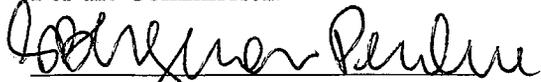
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Agreed Order to MPR Investments, or three days after the date on which the Commission mails notice of this Agreed Order to MPR Investments, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/30/2009

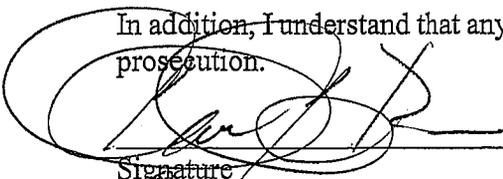
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of MPR Investments, LLC dba Oak Ridge Square Mobile Home Park. I represent that I am authorized to agree to the attached Agreed Order on behalf of MPR Investments, LLC dba Oak Ridge Square Mobile Home Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on MPR Investments' compliance history;
- Greater scrutiny of any permit applications submitted by MPR Investments;
- 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 against MPR Investments;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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


Signature

Carol C. Reince

Name (printed or typed)

Authorized Representative

MPR Investments, LLC dba Oak Ridge Square Mobile Home Park

6/17/09
Date

Partner

Title