

Executive Summary – Enforcement Matter – Case No. 41127

MPR Investments, LLC

RN101613461

Docket No. 2011-0217-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Oak Ridge Square MHP, located on Bethesda Road approximately 1/4 mile east of the Bethesda Road overpass on Interstate Highway 35, approximately five miles southeast of Burleson, Johnson County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 27, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,440

Amount Deferred for Expedited Settlement: \$1,088

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$502

Total Due to General Revenue: \$3,850

Payment Plan: 10 payments of \$385 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41127
MPR Investments, LLC
RN101613461
Docket No. 2011-0217-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 27, 2010
Date(s) of NOE(s): January 28, 2011

Violation Information

Failed to comply with permitted effluent limits for dissolved oxygen, 5-day biochemical oxygen demand, and total suspended solids [Texas Pollutant Discharge Elimination System Permit No. WQ0013376001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by August 1, 2010, the Respondent replaced a drive belt for one of the blower motors in the aeration basin and returned to compliance with permitted effluent limits.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Carol C. Reince, Owner, MPR Investments, LLC, 8600 Iron Gate Court, Fort Worth, Texas 76179
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-Jan-2011	Screening	7-Feb-2011	EPA Due	
	PCW	8-Feb-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	MPR Investments, LLC		
Reg. Ent. Ref. No.	RN101613461		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41127	No. of Violations	1
Docket No.	2011-0217-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **197.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,940**

Notes: Enhancement for one order without denial, one NOV with same/similar violations, one NOV with dissimilar violations, and 33 months of self-reported effluent violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$500**

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

Total EB Amounts: \$62
Approx. Cost of Compliance: \$2,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$5,440**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$5,440**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$5,440**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,088**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$4,352**

Screening Date 7-Feb-2011

Docket No. 2011-0217-MWD-E

PCW

Respondent MPR Investments, LLC

Policy Revision 2 (September 2002)

Case ID No. 41127

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613461

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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>)	34	170%
	Other written NOVs	1	2%
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 judgements 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%

Please Enter Yes or No

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) 197%

>> **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

Enhancement for one order without denial, one NOV with same/similar violations, one NOV with dissimilar violations, and 33 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 197%

Screening Date 7-Feb-2011

Docket No. 2011-0217-MWD-E

PCW

Respondent MPR Investments, LLC

Policy Revision 2 (September 2002)

Case ID No. 41127

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613461

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013376001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121

Violation Description Failed to comply with permitted effluent limits. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and dissolved oxygen were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 180 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes The Respondent achieved compliance by August 1, 2010 for this violation.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$5,440

This violation Final Assessed Penalty (adjusted for limits) \$5,440

Economic Benefit Worksheet

Respondent MPR Investments, LLC
Case ID No. 41127
Req. Ent. Reference No. RN101613461
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	Onetime Costs	EB Amount
No commas or \$							

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)	\$2,500	1-Feb-2010	1-Aug-2010	0.50	\$62	n/a	\$62

Notes for DELAYED costs

Estimated cost to replace a drive belt for one of the blower motors in the aeration basin and return to compliance with permitted effluent limits. Date required is the first day of non-compliance, final date is the compliance date.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,500

TOTAL \$62

Effluent Limit Violation Table

MPR Investments, LLC
RN101613461, Case No. 41127, TPDES Permit No. WQ0013376001
2011-0217-MWD-E
Jorge Ibarra, P.E.

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit

	Minimum DO	BOD5 Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Single Grab	
<i>Month/Year</i>	3 mg/L	20 mg/L	20 mg/L	3.3 lb/d	65 mg/L	
February 2010	c	c	32.75	3.74	96	
April 2010	c	c	29.5	3.359	c	
May 2010	c	27.25	52	c	80	
June 2010	2.9	c	c	c	c	
July 2010	2.6	c	30	c	94	

Name
milligram per liter - mg/L
pounds per day - lb/d
Biochemical Oxygen Demand (5-day) - BOD5
dissolved oxygen - DO
Total Suspended Solids - TSS
compliant - c

Compliance History

Customer/Respondent/Owner-Operator: CN600690358 MPR Investments, LLC Classification: AVERAGE Rating: 2.80

Regulated Entity: RN101613461 OAK RIDGE SQUARE MHP Classification: AVERAGE Site Rating: 4.40

ID Number(s): WASTEWATER PERMIT WQ0013376001
WASTEWATER EPA ID TX0102806
WASTEWATER LICENSING LICENSE WQ0013376001

Location: located on Bethesda Road approximately 1/4 mile east of the Bethesda Road overpass on Interstate Highway 35, approximately five miles southeast of Burleson in Johnson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: January 31, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 31, 2006 to January 31, 2011

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 08/31/2009 ADMINORDER 2004-1188-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: 13376-001 PERMIT

Description: Failure to submit Annual Sludge Report that was due on September 1, 2003.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(d)

30 TAC Chapter 317 317.4(g)

30 TAC Chapter 317 317.6(b)(1)

Rqmt Prov: 13376-001 PERMIT

Eff. Limit & Mont. Req. Nos. 1, 2, & 6 PERMIT

Description: Failure to maintain operation of plant 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: 13376-001 PERMIT

Description: Failure to submit noncompliance notification for the unauthorized and the upset condition of the Facility; and failed to submit monthly Discharge Monitoring Reports ("DMRs") as required.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.7(a)

Rqmt Prov: 13376-001 PERMIT

Operational Req. No. 1 PERMIT

Description: Failure to maintain sampling records, and operation and maintenance ("O & M") records on site.

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	01/16/2007	(464222)
2	04/17/2006	(504966)
3	04/17/2006	(504967)
4	06/05/2006	(504968)
5	06/05/2006	(504969)
6	04/17/2006	(504970)
7	04/17/2006	(504971)
8	07/17/2006	(527264)
9	07/17/2006	(527265)
10	08/29/2006	(527266)
11	01/05/2007	(535105)
12	03/09/2007	(542319)
13	05/03/2007	(628261)
14	05/03/2007	(628262)
15	10/01/2007	(628263)
16	10/01/2007	(628264)
17	10/18/2006	(628265)
18	04/18/2008	(637772)
19	02/07/2008	(676358)
20	02/07/2008	(676359)
21	02/07/2008	(676360)
22	02/07/2008	(676361)
23	04/28/2008	(679861)
24	05/27/2008	(694768)
25	05/29/2008	(694769)
26	05/29/2008	(694770)
27	05/29/2008	(694771)
28	09/09/2008	(716254)
29	08/06/2008	(716255)
30	08/06/2008	(716256)
31	08/06/2008	(716257)

32	09/09/2008	(716258)
33	09/09/2008	(716259)
34	09/09/2008	(716260)
35	09/22/2008	(716261)
36	10/23/2008	(716262)
37	05/27/2008	(716263)
38	05/27/2008	(716264)
39	05/27/2008	(716265)
40	12/04/2008	(731767)
41	01/12/2009	(755159)
42	02/12/2009	(755160)
43	03/11/2009	(772286)
44	04/13/2009	(772287)
45	05/08/2009	(772288)
46	02/21/2010	(787287)
47	03/11/2010	(793687)
48	02/15/2010	(816877)
49	06/11/2009	(816878)
50	06/11/2009	(816879)
51	08/10/2009	(816880)
52	10/08/2009	(816881)
53	10/26/2009	(816882)
54	11/20/2009	(816883)
55	12/07/2009	(816884)
56	02/02/2010	(816885)
57	02/02/2010	(816886)
58	03/22/2010	(835143)
59	04/16/2010	(835144)
60	05/19/2010	(835145)
61	06/19/2010	(847573)
62	07/15/2010	(861974)
63	09/03/2010	(868539)
64	09/19/2010	(875434)
65	10/20/2010	(882985)
66	01/28/2011	(886055)
67	11/21/2010	(889398)

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

Date:	01/31/2006	(504966)	CN600690358		
Self Report?	YES			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	02/28/2006	(504967)	CN600690358		
Self Report?	YES			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				

Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006	(504968)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006	(504969)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006	(527264)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006	(527265)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/30/2006	(527266)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2006	(628265)	CN600690358
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/16/2006	(513961)	CN600690358
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 30, SubChapter J 30.331(b) Other Requirements No. 1 PERMIT		
Description:	Failure to ensure that the Facility is operated a minimum of five days per week by the chief licensed operator.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure to provide an adequate backflow prevention assembly device at the plant's main potable water service line.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Description:	Failure to submit the annual sludge report.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)		
Description:	Failure to maintain the treatment systems.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with permitted effluent limits.		

Self Report?	NO		Classification	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to properly report effluent monitoring data on DMRs.		
Self Report?	NO		Classification	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to maintain compliance with permitted flow limits.		
Self Report?	NO		Classification	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.7(e)		
Description:		Failure to submit accurate monitoring data on the DMRs.		
Self Report?	NO		Classification	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to provide notification of effluent permit limit violations.		
Self Report?	NO		Classification	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:		Failure to maintain required records and have them available for review.		
Self Report?	NO		Classification	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to maintain compliance with the permitted effluent limits.		
Date	01/31/2007	(628261)	CN600690358	
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		
Date	05/31/2007	(676358)	CN600690358	
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		
Date	06/30/2007	(676359)	CN600690358	
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		
Date	07/31/2007	(676360)	CN600690358	
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		
Date	09/30/2007	(694768)	CN600690358	
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		
Date	10/31/2007	(694769)	CN600690358	
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		
Date	11/30/2007	(694770)	CN600690358	
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		

Date	02/29/2008	(716255)	CN600690358		
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				
Date	03/31/2008	(716256)	CN600690358		
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				
Date	04/28/2008	(679861)	CN600690358		
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Date	04/30/2008	(716257)	CN600690358		
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				
Date	05/31/2008	(716258)	CN600690358		
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		
Date	06/30/2008	(716259)	CN600690358
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		
Date	07/31/2008	(716260)	CN600690358
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		
Date	08/31/2008	(716261)	CN600690358
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		
Date	09/30/2008	(716262)	CN600690358
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		
Date	10/31/2008	(731767)	CN600690358
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		
Date	11/30/2008	(755159)	CN600690358
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		
Date	12/31/2008	(755160)	CN600690358
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		
Date	03/31/2009	(772288)	CN600690358
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		
Date	07/31/2009	(816881)	CN600690358
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		
Date	02/28/2010	(835143)	CN600690358
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		
Date	04/30/2010	(835145)	CN600690358

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		
Date	05/31/2010 (847573)	CN600690358	
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		
Date	06/30/2010 (861974)	CN600690358	
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		
Date	07/31/2010 (868539)	CN600690358	
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
MPR INVESTMENTS, LLC
RN101613461**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0217-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MPR Investments, LLC ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on Bethesda Road approximately 1/4 mile east of the Bethesda Road overpass on Interstate Highway 35, approximately five miles southeast of Burleson in Johnson County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 2, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Four Hundred Forty Dollars (\$5,440) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Two Dollars (\$502) of the

administrative penalty and One Thousand Eighty-Eight Dollars (\$1,088) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Eight Hundred Fifty Dollars (\$3,850) of the administrative penalty shall be payable in 10 monthly payments of Three Hundred Eighty-Five Dollars (\$385) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by August 1, 2010, the Respondent replaced a drive belt for one of the blower motors in the aeration basin and returned to compliance with permitted effluent limits.
10. 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 Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013376001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121, as documented during a record review conducted on December 27, 2010 and shown in the table below:

EFFLUENT PARAMETER					
Permit Limit					
	Minimum DO	BOD5 Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Single Grab
Month/Year	3 mg/L	20 mg/L	20 mg/L	3.3 lb/d	65 mg/L
February 2010	c	c	32.75	3.74	96
April 2010	c	c	29.5	3.359	c
May 2010	c	27.25	52	c	80
June 2010	2.9	c	c	c	c
July 2010	2.6	c	30	c	94

BOD5 = Biochemical Oxygen Demand (5-day) TSS = Total Suspended Solids
DO = dissolved oxygen lb/d = pounds per day mg/L = milligrams per liter c = compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MPR Investments, LLC, Docket No. 2011-0217-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. 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 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 Agreed 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 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.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

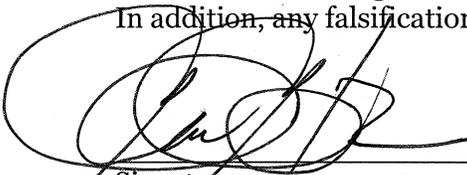
Date 6/2/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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.



Signature

Date 4/25/2011

Carol C. Reince

Name (Printed or typed)
Authorized Representative of
MPR Investments, LLC

Title Owner

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.