



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6, P.O. Box 50625, Dallas, Texas 75250-0625

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-06-2009-1826, NPDES Permit Number. NMR10GD82

FILED

2012 MAY 23 AM 10:59

REGIONAL HEARING CLERK
EPA REGION VI

Titan City Center LLC (ARespondent@) is a "person," within the meaning of Section 502(5) of the Clean Water Act (AAct@), 33 U.S.C. ' 1362(5), and 40 C.F.R. ' 122.2.

Attached is an AExpedited Settlement Offer Deficiencies Form@ (AForm@), which is incorporated by reference. By its signature, the Environmental Protection Agency, Region 6 (AEPA@) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System (ANPDES@) storm water permit issued under Section 402 of the Act, 33 U.S.C. ' 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. ' 1311, and that EPA has jurisdiction over any Aperson@ who Adischarges pollutants@ from a Apoint source@ to Awaters of the United States.@ Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Expedited Settlement Agreement (AESAs) under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C.

' 1319(g)(2)(A), and by 40 C.F.R. ' 22.13(b). The parties enter into this ESA in order to settle the civil violation(s) alleged in this Agreement for a penalty of five hundred dollars (\$500.00). Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. ' 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. ' 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this ESA detailing the specific actions taken to correct the violations cited herein.

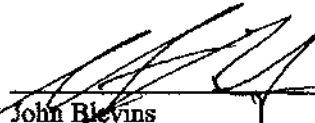
Respondent understands that this ESA is effective upon filing with the Regional Hearing Clerk, pursuant to 40 C.F.R. § 22.31b. Within thirty (30) days after this ESA is filed, Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the ATreasurer, United States of America,@ via certified mail, to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000


This ESA settles EPA=s civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this ESA. EPA does not waive its right to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this ESA to be appropriate.

This ESA is binding on the parties signing below and effective upon filing.

APPROVED BY EPA:

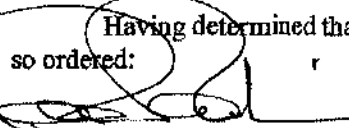
 Date: 5-21-12
John Blevins
Director
Compliance Assurance and
Enforcement Division

APPROVED BY RESPONDENT:

Name (print): BOB F SPENCER
Title (print): MANAGER
Signature:  Date: 5-18-10

Public Notice of and reasonable opportunity to comment on the proposed issuance of this Order was provided pursuant to Section 309(g)(4)(A), and EPA received no comments concerning this matter.

Having determined that this ESA is authorized by law, it is so ordered:

 Date 5/21/12
Regional Judicial Officer

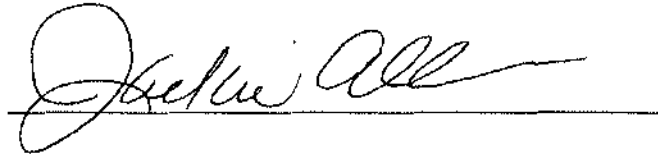
CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of May, 201~~2~~, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, by certified mail, return receipt requested, addressed to the following:

Mr. Kevin Reid
Titan City Center LLC
6300 Riverside Plaza NW, Suite 220
Albuquerque, NM 87120

with a copy, first class postage prepaid, to

Mr. James Bearzi, Chief
New Mexico Environment Department
Surface Water Quality Bureau
1190 St. Francis Drive, Room N2050 (87505)
P.O. Box 5469
Santa Fe, NM 87502-5469



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