



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6, P.O. Box 50625, Dallas, Texas 75250-0625
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-06-2009-1816, NPDES Facility Number: NMU001613

FILED

2010 MAR -9 AM 9:46

REGIONAL HEARING CLERK
 EPA REGION 6, Dallas, Texas

Plaza Rio LLC ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

amount specified above payable to the Treasurer, United States of America, to:

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

Attached is an Expedited Settlement Offer Deficiencies Form ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

This ESA settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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 Agreement to be appropriate.

Respondent had unauthorized discharges of storm water on July 18 and 22, 2008, and October 4 and 5, 2008, to the Rio Rancho MS4 conveyance, thence to the Rio Grande River, in violation of Section 301 (a) of the Clean Water Act, 33 U.S.C. § 1311 and failed to submit a Notice of Intent for permit coverage for its activities at the construction site for Plaza Rio LLC, located in Rio Rancho, New Mexico. Respondent was not covered by a National Pollutant Discharge Elimination System permit at the relevant times for the relevant activities.

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

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 person who discharges pollutants from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

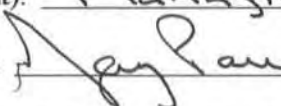
APPROVED BY EPA:

 Date: 2-25-10

John Blevins
 Director
 Compliance Assurance and
 Enforcement Division

EPA is authorized to enter into this Expedited Settlement Agreement ("ESA") 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 the ESA for a penalty of four thousand dollars (\$4,000). 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).

APPROVED BY RESPONDENT:


Name (Print): Jay Parks
 Title (Print): Managing Member
 Signature:  Date: 1/6/10

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 Agreement detailing the specific actions taken to correct the violations cited herein.

Public Notice of and reasonable opportunity to comment on the proposed issuance of this Order was provided pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA received no comments concerning this matter.

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 via certified mail, a bank, cashiers or certified check, with case name and docket number noted, for the

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


 Regional Judicial Office, EPA
 Region 6

March 8, 2010
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CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of March, 2010, 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. Jay Parks, Managing Member
Plaza Rio LLC
6800 Oakland Avenue NE, Suite B
Albuquerque, NM 87113

with a copy, first class postage prepaid, to

Mr. Glenn Saums
Acting Bureau 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

