

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 4

In the Matter of:

Walmart, Inc.
14800 Fort Campbell Boulevard
Oak Grove, Kentucky 42262

Docket No. SDWA-04-2021-2404(b)

Respondent

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for penalties and injunctive relief brought under Section 1423 of the Safe Drinking Water Act (SDWA or the Act), 42 U.S.C. § 300h-2, and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. Section 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency (EPA), Region 4, who is delegated the authority on behalf of the Administrator of the EPA to enter this CAFO pursuant to 40 C.F.R. Part 22 and Section 1423 of the SDWA.

5. Respondent is Walmart, Inc., a corporation as defined at Section 1401(12) of the SDWA, 42 U.S.C. § 300f (12), organized under the laws of Delaware, doing business in the Commonwealth of Kentucky. This proceeding pertains to Respondent's facility located at 14800 Fort Campbell Boulevard, Oak Grove, Kentucky 42262, with its principal business address of 702 SW 8th Street, Bentonville, Arkansas 72716.

III. GOVERNING LAW

6. Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h–2(a)(2), provides that, whenever the Administrator of the EPA finds that any person is in violation of any requirement of any applicable underground injection control (“UIC”) program, the Administrator may issue an order requiring the person to comply with such requirement.

7. Section 1450(a)(1) of the SDWA, 42 U.S.C. § 300j-9(a)(1), authorizes the Administrator to prescribe such regulations as are necessary or appropriate to carry out his functions under the SDWA. These regulations are found at 40 C.F.R. Parts 124, 144, 146, 147, and 148, and set forth requirements for the UIC program promulgated under Part C of the SDWA, 42 U.S.C. § 300h, et seq.

8. Section 1445(a)(1)(A) of the SDWA, 42 U.S.C. § 300j–4, and 40 C.F.R. § 144.17, authorize the Administrator to request records, inspections, and monitoring, and requires injection well owners and operators to maintain such records in evaluating the health risks of unregulated contaminants or in advising the public of such risks.

9. Section 1450(a)(1) of the SDWA, 42 U.S.C. § 300j-9(a)(1), requires injection well owners and operators to comply with the UIC program requirements. The Class V UIC Program in the Commonwealth of Kentucky is administered by the EPA. See 40 C.F.R. § 147.901. The UIC Regulations at 40 C.F.R. Part 144, Subpart G, establish requirements for owners and/or operators of Class V injection wells as defined by 40 C.F.R. § 144.80. Any person who owns or operates a Class V well must comply with the federal UIC requirements in 40 C.F.R. Parts 144 through 147, notwithstanding permit coverage. See 40 C.F.R. § 144.82.

10. The regulations at 40 C.F.R. § 144.82(a)(1) prohibit fluid movement as described in 40 C.F.R., Subpart B, General Requirements, § 144.12 (a), which states that injection activity cannot allow the movement of fluid containing any contaminant into Underground Sources of Drinking Water (USDWs) if the presence of that contaminant may cause a violation of the primary drinking water standards, other health-based standards, or may otherwise adversely affect the health of persons. This prohibition applies to well construction, operation, maintenance, conversion, plugging, closure, or any other injection activity. See 40 C.F.R. § 146.10.

11. In accordance with 40 C.F.R. § 144.86 and the State’s Drinking Water Source Assessment and Protection Program, owners and/or operators of Class V underground injection wells must submit a Class V Well Pre-Closure Notification, Form No. 7520-17, thirty days prior to the well’s closure to show the intent to plug and abandon in accordance with 40 C.F.R. § 144.12(a) and to ensure the well’s closure will be conducted in a manner that will protect underground sources of drinking water (as defined in § 144.3).

12. Pursuant to 40 C.F.R. §§ 144.31(e)(10) and 144.51(o), a Class V well owner or operator must submit a plugging and abandonment plan to the Regional Administrator that meets the requirements of 40 C.F.R. § 146.10. Consistent with 40 C.F.R. § 144.51(p), an owner or operator of a Class V well is required to submit to the EPA plugging and abandonment reports for closed wells within sixty days after plugging a well or at the time of next quarterly report (whichever is less). The plugging and abandonment report shall consist of either: (1) a statement that the Subject Well was plugged in accordance with the plan previously submitted to the Regional Administrator pursuant to 40 C.F.R. § 144.31(e)(10) and meeting the requirements of 40 C.F.R. § 146.10; or (2) where actual plugging differed from the plan previously submitted, an updated version of the plan specifying the differences.

13. Pursuant to Section 1423(c)(3)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B), and 40 C.F.R. § 22.45, Complainant will provide public notice of and reasonable opportunity to comment on the proposed issuance of this CAFO prior to issuance of the Final Order.

IV. FINDINGS OF FACTS

The EPA finds, and the parties hereby stipulate, as follows:

14. Respondent owns and operates Walmart, Inc., with the associated building and grounds located at 14800 Fort Campbell Boulevard, Oak Grove, Kentucky 42262.

15. Respondent is the owner or operator, as defined in 40 C.F.R. § 144.3, of the following Class V stormwater injection well that is subject to this CAFO. The Subject Well is as follows:

Permit No.	EPA ID No.	Well Name	Well No.	Status	County
KYV0039	KYV0470097	Storm Water Drainage	1	Active	Christian

16. UIC Permit No. KYV0039 was issued on August 30, 2005, with an effective date of September 30, 2005, which expired after ten years, on September 30, 2015.

17. Respondent mailed a Plugging and Abandonment Plan for Well Closure to the EPA on May 14, 2007. The EPA sent Respondent the Plugging and Abandonment Plan approval letter, dated June 28, 2007, which contained instructions for Respondent to contact the EPA prior to performing plugging and abandonment to arrange an EPA-authorized inspector to witness plugging and abandonment of the Subject Well. No evidence has been provided to demonstrate the EPA was contacted prior to conducting plugging and abandonment of the Subject Well.

18. Pursuant to 40 C.F.R. § 144.86 and the State’s Drinking Water Source Assessment and Protection Program owners and/or operators of Class V underground injection wells are required to submit the Class V Well Pre-Closure Notification, Form No. 7520-17, thirty days prior to the well’s closure to show intention to plug and abandon and to ensure the well’s closure is conducted in a manner that will protect underground sources of drinking water (as defined in § 144.3) in accordance with 40 C.F.R. §§ 144.12(a) and 144.82. Respondent failed to submit the Class V Well Pre-Closure Notification, Form No. 7520-17 prior to plugging the Subject Well, which occurred on an unknown date in 2007.

19. An inspection conducted by an EPA-authorized inspector on May 7, 2019, showed there were two ponds filled with stormwater drainage located in the southerly portion of the property. The UIC Permit No. KYV0039 details southeastern and southwestern basins collect all stormwater drainage on the property using a system of drains and piping to direct fluids to the Subject Well for disposal, which is located in the northwestern basin. A site visit conducted by the EPA on August 11, 2021, showed the Subject Well was a large stormwater drainage system for surface water discharge.

20. On January 6, 2021, the EPA sent Respondent an Information Request Letter (IRL) via email, Docket No. SDWA-1445-2020-06, pursuant to Section 1445(a)(1)(A) of the Safe Drinking Water Act, 42 U.S.C. § 300j-4(a), and 40 C.F.R. § 144.17, to determine compliance of the Subject Well.

21. Respondent emailed responses to the IRL on February 1, 2021, and February 3, 2021, and participated in meetings with EPA on February 11, 2021, February 23, 2021, and March 16, 2021, to discuss the compliance status of the Subject Well.

22. The Well Rework Record, Plugging and Abandonment Plan or Plugging Affidavit, Form No.7520-19, was submitted to the EPA by Respondent on March 19, 2021. However, the form was not certified as accurate by the person who performed the plugging operation as required by 40 C.F.R. § 144.51(p). Additionally, Respondent indicated the Subject Well was plugged and abandoned on an unknown date in the Year 2007, in a manner that Respondent believes was in accordance with the Plugging and Abandonment Plan Approval letter, dated June 28, 2007. Respondent provided no records to show what work was performed on the Subject Well, nor on what dates.

23. Where actual plugging differs from the plan previously submitted, 40 C.F.R. § 144.51(p)(2) requires an updated version of the plan to be submitted specifying the differences. Respondent did not submit to EPA an updated version of the plan to specify the changes from the approved plan.

24. Existing conditions of the Subject Well, reported by Respondent in the Affidavit, include a 10-inch metal pipe extending 12 feet above ground surface, with a water-tight plug made of mortar, located at 29 feet below ground surface; with four feet of water standing atop the mortar, inside the well. Based on these conditions, the following procedures required by the Plugging and Abandonment Plan Approval letter, dated June 28, 2007, were not executed during plugging and abandonment of the Subject Well: The casing was not excavated for placement of a clay cap, nor was the casing filled with shot rock to a depth of five feet below the existing surface elevation; the casing was not cut off at the bottom of the excavation depth as required; Class A cement was not used to fill the interior of the well, nor was Class A cement filling an excavated area around the well; compacted, highly plastic clays, were not added to cover any hardened cement; nor tying the backfill into the already existing clay around the sinkhole to crown the backfill and ensure that no standing water will reopen the sinkhole.

25. In review of the existing conditions reported by Respondent in the Affidavit, dated March 19, 2021, the EPA alleges that by not excavating the well and cutting off the casing at a minimum of four feet below the surface, filling the casing with shot rock, capping the cut off casing and excavated area with class A concrete, and by not filling the remaining excavated area with a compacted highly plastic clay with crowning, the plugging and abandonment of the Subject Well does not meet the approved Plan, dated June 28, 2007, nor the requirements found at 40 C.F.R. §§ 146.10, 144.82 and 144.12(a).

26. On June 9, 2021, the EPA sent Respondent, a Notice of Potential Violation and Opportunity to Confer (NOPVOC), via email, regarding potential violations of the SDWA. Respondent confirmed receipt of the NOPVOC the same day, June 9, 2021.

V. ALLEGED VIOLATIONS

27. Respondent is a “person” as that term is defined at Section 1401(12) of the SDWA, 42 U.S.C. § 300f (12), and 40 C.F.R. § 144.3.

28. Respondent is the owner or operator of the Subject Well, as defined in 40 C.F.R. § 144.3.

29. The Subject Well is a “facility or activity” as defined in 40 C.F.R. § 144.3.

30. Respondent failed to properly close, plug, and abandon the Subject Well in conformance with the requirements found at 40 C.F.R. §§ 146.10, 144.31(e)(10), 144.82 and 144.12(a), which prohibit injection wells from being constructed, operated, maintained, plugged or abandoned in a manner that could allow the movement of fluid containing any contaminant into underground sources of drinking water if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons.

VI. STIPULATIONS

31. The issuance of this CAFO simultaneously commences and concludes this proceeding in accordance with 40 C.F.R. § 22.13(b).

32. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent consents to the issuance of any specified compliance or corrective action order or to any conditions specified in the consent agreement and:

- (a) admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- (b) neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
- (c) consents to the assessment of a civil penalty as stated in Section VII;
- (d) agrees all reports, notifications, documentation, and submittals required by this CAFO shall be signed by a duly authorized representative of Respondent as specified by 40 C.F.R. §§ 144.32(a) and 144.51(k), and shall include the following statement:

“I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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.”

- (e) agrees all reporting required by this CAFO shall be submitted to the following address and via email:

Ms. Carol Chen, Enforcement Officer
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960
Chen.Carol@epa.gov

- (f) consents to any stated Permit Action in this CAFO;
 - (g) waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - (h) waives its rights to appeal the Final Order accompanying this CAFO.
33. For the purpose of this proceeding, Respondent:
- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - (c) waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - (d) waives any rights it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance;
 - (e) waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and
 - (f) agrees to comply with the terms of this CAFO.

34. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

35. The parties acknowledge and agree that this CAFO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a proposed CAFO based on comments received during the public comment period.

VII. TERMS OF PAYMENT

36. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the 1993 UIC Settlement Penalty Policy, in the amount of \$51,856, which is to be paid within thirty days of the Effective Date of this CAFO.

37. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
Mail Station: St. Louis, Missouri 63101
Contact Number: (314) 425-1819

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

If paying by ACH, Respondent shall remit payment to:

US Treasury REX /Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-866-234-5681

38. Respondent shall send proof of payment, within 24 hours of payment of the civil penalty,
to:

- (a) Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

- (b) Ms. Carol Chen, Enforcement Officer
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960
Chen.Carol@epa.gov

39. “Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the Facility name and “Docket No. SDWA-04-2021-2404(b).”

40. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may recover, in addition to the amount of the unpaid penalty assessed, the following amounts on any portion overdue:

- (a) Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within thirty days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within thirty days of the Effective Date of this CAFO, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed under currently prevailing rates.
- (b) Non-Payment Penalty. A non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, to be assessed monthly, pursuant to 42 U.S.C. § 300h-2(c)(7), 31 U.S.C. § 3717(e)(2), 31 C.F.R. § 901.9(d), and 40 C.F.R. § 13.11(c). In any such action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.); and
- (c) Attorneys’ Fees and Costs of Collection. The United States’ attorneys’ fees and costs of collection.

41. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- (a) refer the debt to a credit reporting agency or a collection agency, pursuant to 40 C.F.R. §§ 13.13 and 13.14;
- (b) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

- (c) suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
- (d) request that the Attorney General bring a civil action in the appropriate district court to recover the amount assessed, in addition to the amounts described above, pursuant to 42 U.S.C. § 300h-2(c)(7). In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

42. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

43. Effective upon signature of this CAFO by the Respondent, the Respondent agrees that the time period commencing on the date of its signature and ending on the Effective Date shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by EPA related to the matters addressed in this CAFO and that, in any action brought by EPA related to the matters addressed, the Respondent will not assert, and may not maintain, any defense or claim based upon principles of statute of limitations, waiver, laches, estoppel, or other defense based on the passage of time during such period.

VIII. WORK TO BE PERFORMED

44. In addition to payment of the penalty described above, Respondent shall perform the following injunctive relief:

- (a) Within fourteen days of Respondent's receipt of the CAFO, Respondent shall confirm to the EPA that it has retained a consultant and/or engineering firm to develop the plugging and abandonment plan. Respondent will provide evidence of such contract by email to the UIC Permitting General Mailbox at R4GWUIC@EPA.GOV with a courtesy copy to Meadows.JasonB@EPA.GOV.
- (b) Within sixty days of Respondent's receipt of the CAFO, Respondent shall submit a plugging and abandonment plan for the EPA's review, Form No. 7520-19, sent to the UIC Permitting General Mailbox at R4GWUIC@EPA.GOV with a courtesy copy to Meadows.JasonB@EPA.GOV.
- (c) Thirty days prior to the well's closure, submit the Class V Well Pre-Closure Notification, Form No. 7520-17, for the EPA's review, sent to the UIC Permitting General Mailbox at R4GWUIC@EPA.GOV with a courtesy copy to Meadows.JasonB@EPA.GOV.
- (d) Within fourteen days following proper plugging, closure, and abandonment of the Subject Well, Respondent shall submit a Well Plugging Affidavit, Form No. 7520-19, with attachments included and a letter requesting EPA to issue final closure of the Order.
- (e) All reports, notifications, documentation, and submittals required by this CAFO shall be provided in accordance with paragraph 32(d) and (e).

IX. EFFECT OF CAFO

45. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

46. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

47. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

48. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

49. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

50. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. Respondent shall cause all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CAFO.

51. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

52. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

53. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

54. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

55. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are

significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

56. EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA. If such false or inaccurate material was provided, EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

57. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

58. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

X. EFFECTIVE DATE

59. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement in the Matter of Walmart, Inc., Docket No. SDWA-04-2021-2404(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Wendy Brant
Signature

Nov. 8, 2022
Date

Printed Name: Wendy Brant

Title: Wendy Brant, Vice President
Global EHS Compliance
Walmart Inc.

Address: Facility Location: 14800 Fort Campbell Boulevard, Oak Grove, Kentucky 42262
Principal Business: 702 SW 8th Street, Bentonville, Arkansas 72716

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:

_____ for
Carol L. Kemker
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Walmart, Inc.
14800 Fort Campbell Boulevard
Oak Grove, Kentucky 42262

Respondent.

Docket No. SDWA-04-2021-2404(b)

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Consent Agreement” and “Final Order,” in the Matter of Walmart, Inc., Docket No. SDWA-04-2021-2404(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Mr. Kevin Butzlaff, Senior Manager - Stormwater Compliance
Walmart, Inc.
702 SW 8th Street
Bentonville, Arkansas 72716
Mail Stop: 0505
Mobile: +1 (501) 425-4849
Kevin.Butzlaff@walmart.com

To EPA: Ms. Carol Chen, Enforcement Officer
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
404-562-9415
Chen.Carol@epa.gov

AND

Ms. Bianca N. Jaikaran, Associate Regional Counsel
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
404-562-9680
Jaikaran.Bianca@epa.gov

Shannon L. Richardson, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960