



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 9

75 Hawthorne St (ENF 3-1)
San Francisco, CA 94105

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2025-0004
MI Metals, Inc., Prescott Valley, AZ



The United States Environmental Protection Agency (EPA) and MI Metals, Inc., a Florida corporation, (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's federal civil penalty liability for alleged violations of the Clean Water Act Pretreatment Regulations for wastewater discharges to the Prescott Valley Treatment Plant.

The EPA has determined that Respondent failed to comply with the Pretreatment Requirements codified at 40 CFR §403.12(e)(1), which requires semi-annual reporting of compliance to the Control Authority. EPA finds that Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. §1362(5), and that Respondent is responsible for the violations specified in the attached Expedited Settlement Offer Worksheet Findings and Proposed Violations Form for Wastewater (Violations Form). The Violations Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to section 309(g) of the Act, 33 U.S.C. §1319(g), and 40 C.F.R. Part 22. Respondent neither admits nor denies the violations specified in the Violations Form.

Respondent agrees to pay a penalty of \$2,000 by the deadline specified in the following paragraph. Respondent waives the rights (1) to contest the statements in the Violations Form and (2) to appeal any final order that an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any violations identified in the Violations Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit an itemized list to the EPA detailing the specific actions taken to correct the violations cited in the Violations Form. Respondent also certifies that, no later than ten (10) calendar days after it receives notice from EPA that the Final Order has been issued, Respondent shall submit a payment, with the case name and docket number noted, for the amount specified below, payable to the Treasurer, United States of America, to:

U.S. Environmental Protection Agency
Fines and Penalties/Cincinnati Finance Center
P.O. Box 979078

St. Louis, MO 69197-9000
In the Matter of: MI Metals, Inc.
Docket: CWA-09-2025-0004

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to Jim Polek, polek.jim@epa.gov, and the Region 9 Hearing Clerk, r9hearingclerk@epa.gov.

This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations and facts alleged in the Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue additional violations not specifically listed in the Violations Form or appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement consistent with section 309(g)(4) of the Act, 33 U.S.C. §1319(g)(4), and 40 C.F.R. §22.45.

APPROVED BY EPA:

Date: _____ ROBERTO RODRIGUEZ
Digitally signed by ROBERTO RODRIGUEZ
Date: 2024.10.27 12:56:42 -07'00'
Roberto Rodriguez, Assistant Director, Water Branch Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Melvin Mitchell
Title (print): Environmental, Health and Safety Director
Signature: [Handwritten Signature]
Date: 10/1/24

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A).

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

**STEVEN
JAWGIEL**

Digitally signed by
STEVEN JAWGIEL
Date: 2025.01.03
12:36:52 -08'00'

Date: _____

Steven L. Jawgiel
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of MI Metals, Inc. (Docket No. CWA-09-2025-0004) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Melvin Mitchell
Environmental, Health and Safety Director
MI Metals, Inc.
7555 State Route 69, Suite B
Prescott Valley, AZ 86314
MMitchell@minetals.com

COMPLAINANT: Marcela VonVacano
Assistant Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
VonVacano.Marcela@epa.gov

Grace Elam
Regional Hearing Clerk
U.S. EPA – Region IX
75 Hawthorne Street, 12th Fl. (ORC)
San Francisco, CA 94105