



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
WASTEWATER ESA

IN THE MATTER OF:

220 Truckstop, LLC, Wastewater Treatment System
Tillatoba, Mississippi

DOCKET NO.: CWA-04-2021-0317(b)

Expedited Settlement Agreement and Final Order
Pursuant to Clean Water Act Section 309(g)(2)(A)

NPDES Permit No. MS0053945

The undersigned representative of the United States Environmental Protection Agency (EPA) and the 220 Truckstop, LLC, previously named the Griffis All-American Truck Stop (Respondent), enter into this Expedited Settlement Agreement (ESA or Agreement) to resolve Respondent's civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System permit cited above (Permit) and/or the Clean Water Act (Act), 33 U.S.C. § 1251 et seq.

On June 17, 2021, representatives of the EPA inspected Respondent's facility located at 25357 Highway 330 Tillatoba, Mississippi 38961 (Site). Based on the results of the inspection, the EPA finds that: (1) Respondent, who is an owner of the Site, failed to comply with the Permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, or in the alternative, discharged pollutants into navigable waters without a permit, in violation of Section 301 of the Act, 33 U.S.C. § 1311; (2) Respondent is a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is responsible for the alleged violations specified in the attached "Expedited Settlement Offer Violations Form for Wastewater (Alleged Violations Form)". The Alleged Violations Form is hereby incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over the subject matter alleged in this ESA and neither admits nor denies the factual allegations alleged in the Alleged Violations Form.

The EPA is authorized to enter into this Agreement under the authority vested in the Administrator by Section 309(g) of the Act, 33 U.S.C. § 1319(g), and by 40 C.F.R. §§ 22.13(b) and 22.18.

Respondent consents to the assessment of a civil penalty and agrees to pay \$5,140. Respondent waives the right to: (1) contest the allegations in the Alleged Violations Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); (3) appeal the Final Order; and (4) judicial review pursuant to Section 309(g)(8) of the Act, 33 U.S.C. § 1319(g)(8). The civil penalty will be due within thirty (30) days of the Effective Date of this ESA and Final Order and

shall be made in accordance with the attached ESA Payment Instructions (Payment Instructions), incorporated herein by reference. Respondent agrees to bear its own costs and attorney's fees related to this ESA.

Failure by Respondent to pay the penalty assessed by this ESA and Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9)(B) of the Act, 33 U.S.C. § 1319(g)(9)(B). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review. Pursuant to Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), the Commonwealth of Kentucky was provided a prior opportunity to consult with the EPA regarding this matter.

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Alleged Violations Form have been corrected, and Respondent has submitted true and accurate documentation to the EPA of such correction; and (2) consistent with Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into the 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 of the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a), alleged in the Alleged Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law or to issue an administrative compliance order, e.g., for any uncorrected violations listed in the Alleged Violations Form. 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.

The EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on the proposed issuance of this Agreement prior to issuance of the

Final Order pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45.

the Certificate of Service.

If Respondent does not sign and return this ESA as presented within 30 days of the date of its receipt, or within an extension timeframe approved by the EPA, this proposed ESA is withdrawn without prejudice to the EPA's ability to file any other enforcement action for the violations identified in the Alleged Violations Form.

This Agreement is binding on the parties signing below. Each person signing this Agreement certifies that he or she has the authority to sign for the party who he or she represents and to bind that party to its terms. The ESA and Final Order are effective on the date of filing with the Regional Hearing Clerk. Once the ESA is signed by the Regional Judicial Officer, the original ESA will be filed with the Regional Hearing Clerk. A copy of the filed ESA will be emailed to Respondent.

The parties consent to service of this ESA and Final Order by e-mail to the e-mail addresses provided by the parties in

APPROVED BY RESPONDENT:

Name (print): Peggy Brewer

Title (print): Manager

Signature: Peggy Brewer Date: 10/22/2021

FINAL ORDER

Having determined that this Agreement is authorized by law, the foregoing Expedited Settlement Agreement is hereby incorporated into the Final Order.

IT IS SO ORDERED:

APPROVED BY THE EPA:

Tanya Floyd
Regional Judicial Officer

Mary Jo Bragan
Chief, Water Enforcement Branch
Enforcement and Compliance Assurance Division

ENCLOSURE A
Wastewater Alleged Violations Form

1. To accomplish the objective of the Clean Water Act (CWA), as defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical, and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the point source discharge of pollutants into navigable waters except as in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

2. Section 402 of the CWA, 33 U.S.C. § 1342, establishes an NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants into navigable waters subject to specific terms and conditions. The EPA has granted the state of Mississippi, through the Mississippi Department of Environment Quality (MDEQ), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

3. The 220 Truckstop, LLC (220 Truckstop), is a corporation in the State of Mississippi and is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

4. At all times relevant to this action, 220 Truckstop owned and operated a Wastewater Treatment System (WWTS) located at 25357 Highway 330, Tillatoba, Mississippi 38961.

5. On September 21, 2015, MDEQ issued NPDES No. MS0053945 (Permit) to 220 Truckstop (formerly named the Griffis All-American Truck Stop). Under this Permit, the WWTS is permitted to discharge "pollutants" from a "point source" into Simmon Creek, a "navigable water" as defined at Section 502(7) of the CWA, 33 U.S.C. § 1362(7). The Permit became effective on September 21, 2015, and then expired and became administratively continued on August 31, 2020.

6. Pursuant to 40 C.F.R. Part 122.41(l)(4)(i), 220 Truckstop is required to comply with the conditions of its NPDES Permit.

7. On June 17, 2021, the EPA conducted a Compliance Evaluation Inspection at the 220 Truckstop and discovered the following alleged violations of the Permit and CWA:

- a) The WWTS was inoperable—specifically, the wastewater treatment tanks were full of solids, the aeration pumps were not operational, and the influent line from 220 Truckstop was blocked preventing all or portions of the raw wastewater from reaching the WWTS—in violation of Permit Condition T-19 (Proper Operation, Maintenance and Replacement) which stipulates that "the permittee shall at all times properly operate, maintain, and when necessary, promptly replace all facilities and systems of collection, treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit."
- b) Weekly effluent flow and pH measurements were not being conducted in violation of the "Limits and Monitoring" section of the Permit, which requires effluent flow and pH to be monitored and measure at least once per week.

- c) Records of sampling and laboratory analysis were not being maintained in violation of Permit Condition R-1 (Recording of Result) which requires that “records of all information obtained from such monitoring” be maintained for all pollutants listed in the Limits and Monitoring section.
- d) 220 Truckstop had not applied for official transfer of ownership of the Permit in violation of Permit Condition T-34 (Transfer of Ownership or Control) which stipulates that the Permit is “not transferable to any person without proper modification of [the] permit.”
- e) The WWTS was discharging to Simmon Creek, a navigable water of the United States, without ownership of the Permit.

8. Based on the information above, the EPA has determined that 220 Truckstop violated Section 301 of the CWA, 33 U.S.C. § 1311, for failing to comply with the requirements of the Permit above, or in the alternative, for discharging pollutants into navigable waters without a permit.

Enclosure B

Expedited Settlement Agreement and Final Order

Payment Instructions

Payment shall be in a single payment, due no later than 30 calendar days from the effective date of the Final Order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

The payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall:

- designate the name and docket number of this case, and
- be payable to "Treasurer, United States of America."

The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197

If remitted by any overnight commercial carrier:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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 remitted through the Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

If remitted on-line with a debit card or credit card: No username, password, or account number is necessary for this option. On-line payment can be accessed via www.pay.gov, entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent by mail and/or email to:

Regional Hearing Clerk
U.S. EPA Region 4
Office of Regional Counsel
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960
Email: R4_Regional_Hearing_Clerk@epa.gov

and

Dennis Sayre
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960
Email: Sayre.Dennis@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Expedited Settlement Agreement and Final Order, in the Matter of 220 Truckstop, LLC, Wastewater Treatment System, Docket No. CWA-04-2021-0317(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: Peggy Brewer, Manager
AAA Hospitality LLC, 220 Truck Stop
25357 Highway 330
Tillatoba, MS 38961
pbates208@gmail.com
662-710-4272

To EPA: Dennis Sayre
Environmental Engineer
Sayre.Dennis@epa.gov
404-562-9756

Stephen P. Smith
Associate Regional Counsel
Smith.Stephen@epa.gov
404-562-9554

U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

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