

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
CITY OF LAWRENCEVILLE) **CONSENT AGREEMENT AND**
LAWRENCEVILLE, GEORGIA) **FINAL ORDER**
)
RESPONDENT.) **DOCKET NO. CWA-04-2019-4502(b)**

2019 SEP 12 11:30 AM
EPA REGION 4

OFFICE OF REGIONAL
COUNSEL

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding pursuant to Section 309(g)(2)(A) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(2)(A), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, published at 64 Fed. Reg. 40,176 (July 23, 1999) and codified at 40 Code of Federal Regulations ("C.F.R.") Part 22.

2. The authority to take action under Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), is vested in the Administrator of the United States Environmental Protection Agency. The Administrator has delegated this authority to the Regional Administrator of the EPA, Region 4, who in turn has delegated this authority to and through the Director of the Enforcement and Compliance Assurance Division of the EPA, Region 4, to the Chief of the Water Enforcement Branch of the EPA, Region 4 ("Complainant").

II. Allegations

3. The City of Lawrenceville ("Respondent") is a municipality existing under the laws of the State of Georgia and is therefore 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, the Respondent owned and/or operated a municipal separate storm sewer system ("MS4").

5. To accomplish the objective of the CWA, 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 discharge of pollutants by any person into waters of the United States 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.

6. 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, including stormwater, into navigable waters subject to specific terms and conditions. The EPA has granted the State of Georgia, through the Georgia Environmental Protection Division (“EPD”), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

7. EPD issued the *Authorization to Discharge Under the National Pollutant Discharge Elimination System Discharges from Municipal Separate Storm Sewer Systems* Permit No. GAS000122 (“Permit”) to Respondent, to cover discharges from Respondent’s MS4, accordance with the Georgia Water Quality Control Act (O.C.G.A. Code Sections 12-5-20 et seq., 1964), the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6, and the CWA. The Permit was effective June 11, 2014, and expired on June 10, 2019.

8. On January 10-12, 2017, PG Environmental, contractor for the EPA, along with representatives from EPA Region 4 and EPD, conducted an inspection of Respondent’s MS4 Program to evaluate Respondent’s compliance with Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the Permit.

9. On June 26, 2018, the EPA sent a Notice of Violation (NOV) to the Respondent for violations of the CWA and the Permit observed by the EPA during the January 10-12, 2017 inspection (January Inspection) and requested that Respondent contact the EPA to schedule a show cause meeting.

10. On August 15, 2018, Respondent submitted preliminary written responses to the NOV.

11. On August 16, 2018, a show cause meeting was held between the EPA and Respondent to discuss the alleged violations in the NOV.

12. On September 20 and 21, 2018, at the request of the EPA, Respondent supplied additional written information in response to the EPA’s NOV.

13. The following findings are based on the January Inspection, the EPA’s review of the documents provided by Respondent, and the show cause meeting:

- A. Respondent had not adopted the required soil erosion, sediment, and pollution control ordinance language into Respondent’s municipal code in violation of Part 3.1 of the Permit. Specifically, Respondent had not adopted updated language into its municipal code based on the revised model ordinance established by the State of Georgia in June 2016. The EPA made this observation while reviewing Respondent’s ordinances during the January Inspection.

- B. Respondent was not adhering to the inspection schedule prescribed by the stormwater management plan (“SWMP”) for inspecting structural and source control measures in violation of Table 3.3.1, Part 2.a. of the Permit. According to the MS4 Annual Reports submitted by Respondent from 2014, 2015, and 2016, Respondent did not conduct inspections in the correct inspection areas per the SWMP.
- C. Respondent had not conducted inspections of catch basins with concrete lids. Therefore, Respondent was not inspecting 100 percent of (i.e., all) MS4 structures within the four-year period prescribed by Respondent’s SWMP in violation of Table 3.3.1, Part 2.a. of the Permit. Specifically, the Construction and Engineering Inspector stated during the January Inspection that he did not inspect catch basins with concrete lids because he was unable to access them. He stated that he did not inspect the catch basins with concrete lids in Inspection Area #4 during the last reporting period, and Respondent’s 2016 MS4 Annual Report confirms that 28 catch basins “could not be inspected due to solid concrete tops.”
- D. Respondent had no record of conducting inspections of the four Respondent-owned stormwater ponds in violation of Table 3.3.1, Part 2.a. of the Permit. During office discussions at the January Inspection, Respondent stated that these structures were to be inspected annually. However, the Construction and Engineering Inspector stated that he had not inspected the four Respondent-owned stormwater ponds since he started working in the position approximately 16 months prior to the January Inspection.
- E. Respondent was not conducting maintenance on Respondent-owned catch basins as prescribed by Respondent’s SWMP in violation of Table 3.3.1, Part 2.b of the Permit. The EPA observed during the January Inspection only one work order for catch basin cleaning was submitted in response to 224 catch basin inspections conducted in March 2016. However, according to Respondent’s inspection reports, approximately 75 percent of the structures were reported to have some amount of sediment buildup and approximately ten percent were reported to have structural damage.
- F. Respondent was not conducting comprehensive inspections or effectively controlling polluted stormwater runoff from the Municipal Complex in violation of Table 3.3.1, Part 7.b of the Permit. During the January Inspection, Respondent’s Construction and Engineering Inspector stated that only the Fleet Department’s vehicle maintenance shop was inspected on an annual basis. However, the rest of the site, which includes vehicle staging areas, stockpiles, waste disposal areas, a landscape shop with

chemicals, electrical equipment storage, and vehicle washing areas, was never inspected.

- G. Respondent's inspection of its Municipal Complex failed to evaluate and identify areas where the facility needs improvement in violation of Table 3.3.1, Part 7.b of the Permit. During the field activities of the January Inspection, the EPA observed numerous pollution prevention and housekeeping issues throughout the Municipal Complex that were not documented in Respondent's inspection report. Examples include multiple storm drain inlets with concrete lids in need of cleaning or structural repair, petroleum staining was present on outdoor impervious surfaces throughout the facility, and scrap metal was stored outside at the facility without cover or containment.
- H. Respondent was not ensuring all staff involved in municipal facility operations receive appropriate education and training for performing inspections and maintenance of structural and non-structural stormwater controls in violation of Table 3.3.1, Part 9.a of the Permit. During the January Inspection, Respondent's staff stated that the only stormwater-related training offered to employees was a "Good Housekeeping Training Seminar" offered in May 2015. The training did not include information on how to conduct structural control or municipal facility inspections.
- I. Respondent had not been implementing dry-weather flow investigation and follow-up procedures as described in Respondent's SWMP in violation of Table 3.3.2, Part 3.a. of the Permit. During the January Inspection, Respondent's staff stated they had observed flow during dry-weather conditions, but had never implemented the investigation procedures prescribed in section 5.3 of the SWMP.
- J. Respondent did not implement the investigation, follow-up, and enforcement procedures prescribed in Respondent's SWMP in response to two illicit discharges observed during the inspection in violation of Table 3.3.2, Part 3.b. of the Permit.
- K. Respondent was not providing all employees involved in illicit discharge detection and elimination ("IDDE") activities with the appropriate training in violation of Table 3.3.2, Part 8.a. of the Permit. During the January Inspection, the EPA reviewed the roster for the "Good Housekeeping Training Seminar" conducted on May 6, 2015. Staff from the Street Maintenance and Solid Waste Department, Planning and Zoning Department, Police Department, and Code Enforcement Department did not receive the training. Staff from these departments may encounter and

be expected to respond to an illicit discharge event as part of their responsibilities.

- L. The number of industrial facilities referenced in Part 2.C.1.b of the Respondent's 2016 MS4 Annual Report did not match the number of facilities included in Respondent's industrial facility inventory that the EPA reviewed during the January Inspection in violation of Table 3.3.3, Part 1.a. of the Permit.
- M. Respondent's industrial facility inventory did not include all facilities listed on EPD's Industrial Stormwater General Permit ("IGP") Notice of Intent ("NOI") and No Exposure Exclusion ("NEE") online listings in violation of Table 3.3.3, Part 1.a. of the Permit. Specifically, the Industrial Pollutant Source Inventory included in Respondent's 2016 MS4 Annual Report identifies fourteen facilities but does not include ten of the facilities identified in EPD's listing of facilities that have filed an NOI for IGP coverage, or who have submitted a NEE.
- N. Respondent's industrial facility inventory from Respondent's 2016 MS4 Annual Report that the EPA reviewed during the January Inspection did not include a description of the hazardous or potentially polluting materials at each site, as required by Respondent's SWMP in violation of Table 3.3.3, Part 1.a of the Permit.
- O. Respondent had not implemented an industrial facility inspection program in accordance with Respondent's SWMP, which requires inspecting all industrial facilities in a four-year period in violation of Table 3.3.3, Part 2.a. of the Permit. The *Industrial Pollutant Source Inventory* included in Respondent's 2016 MS4 Annual Report included the dates that each industrial facility was last inspected. According to the inventory, there were 51 facilities that were not inspected in the four years prior to April 30, 2016 (i.e., the end date of the 2016 MS4 Annual Report's reporting period), and 38 facilities that were not inspected in the five years prior to April 30, 2016.
- P. Respondent did not conduct enforcement in response to an illicit discharge observed at the Advanced Disposal Gwinnett Transfer Station during the January Inspection, as prescribed in Respondent's SWMP in violation of Table 3.3.3, Part 3.a. of the Permit. The inspector noted on the inspection report that there was evidence of an illicit discharge, as well as evidence of wastes associated with onsite activities entering the MS4 or a stream. However, no enforcement action was taken.

- Q. Respondent had not implemented educational activities for industrial facilities within its jurisdiction since its current Construction and Industrial Inspector began employment, 16 months prior to the inspection in violation of Table 3.3.3, Part 4.a. of the Permit. This section of the Permit requires Respondent to “[i]mplement educational activities for industrial facilities. Provide details of any educational activities performed during the reporting period in each annual report.” Section 6.4 of Respondent’s SWMP states that: “[f]or industrial facilities showing signs of a potential illicit discharge, the City inspector distributes the appropriate brochures at the time of the inspections.” During the January Inspection, the City Engineer stated that it is the Construction and Engineering Inspector’s responsibility to distribute educational fliers to industrial facilities each time they are inspected. However, the Construction and Engineering Inspector stated he had not handed out any educational fliers since he was hired for the position, 16 months prior to the January Inspection.
- R. Respondent had not provided training to the Construction and Engineering Inspector on how to conduct industrial facility inspections in violation of Table 3.3.3, Part 5.a. of the Permit. Specifically, during the January Inspection, the Construction and Engineering Inspector stated that he had never received formal training on how to properly inspect industrial facilities, including training on common pollutant sources and best management practices (“BMPs”) for specific types of industrial facilities.
- S. Respondent did not follow the protocol in place for documenting construction site inspections of municipal construction sites that were operating under a Respondent-employed project manager in violation of Table 3.3.4, Part 3.b. of the Permit. This section of the Permit states that: “[t]he construction site inspection program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP or in accordance with CGPs.” Section 7.3 of Respondent’s SWMP, Inspection Procedures, requires that: “[a] comprehensive site inspection is conducted by Engineering Department personnel after land disturbing activities commence to verify compliance with all applicable Erosion and Sedimentation control (E&S) requirements. All sites that have an LDA (Land Disturbance Activity) Permit will be inspected by City personnel. At a minimum, inspections will occur following the installation of the initial BMPs, during active construction, and after the final site stabilization. Results of site inspections are recorded on a Construction Site Daily Inspection Report.” During the January Inspection, Respondent’s staff stated that a project manager would perform inspections of municipal construction projects that are managed by a Respondent, but historically those inspections have not been documented.

- T. Respondent was not conducting enforcement of erosion and sediment control issues in accordance with Respondent's SWMP and enforcement response plan ("ERP") in violation of Table 3.3.4, Part 4.a. of the Permit. Respondent's ERP describes specific enforcement protocols related to specific issues likely to be encountered at construction sites (e.g., specific BMP and erosion and sediment control failures). During the January Inspection, the Construction and Engineering Inspector stated that he was not familiar with the ERP and had not been referencing it when conducting enforcement. He further stated that he used verbal warnings (undocumented) as an enforcement mechanism, which is not one of the protocols described in the ERP.
- U. The number of highly visible pollutant sources ("HVPS") facilities referenced in Part 2.E.1.b of Respondent's 2016 MS4 Annual Report did not match the number of facilities included in the HVPS facility inventory that the EPA reviewed during the January Inspection in violation of Table 3.3.5, Part 1.a. of the Permit.
- V. Respondent had not implemented an HVPS facility inspection program in accordance with Respondent's SWMP, which requires inspecting all HVPS facilities within its jurisdiction in a four-year period in violation of Table 3.3.5, Part 2.a. of the Permit. According to Respondent's MS4 annual reports, there are 166 facilities that were documented as not inspected in the four years prior to April 30, 2016 (i.e., the end date of the 2016 MS4 Annual Report's reporting period); 140 facilities were not inspected within the five years prior to April 30, 2016. Some facilities had not been inspected in more than ten years.
- W. Respondent had not implemented educational activities for HVPS facilities within its jurisdiction since its current Construction and Industrial Inspector began employment, 16 months prior to the inspection in violation of Table 3.3.5, Part 4.a. of the Permit. During the January Inspection, the City Engineer stated that it is the Construction and Engineering Inspector's responsibility to distribute educational brochures to HVPS facilities each time they are inspected. However, the Construction and Engineering Inspector stated that he had not handed out any educational fliers since he was hired for the position, 16 months prior to the EPA inspection.
- X. Respondent had not provided training to the Construction and Engineering Inspector on how to conduct HVPS facility inspections in violation of Table 3.3.5, Part 5.a. of the Permit. During the January Inspection, the Construction and Engineering Inspector stated that he had never received formal training on how to properly inspect HVPS facilities, including

training on common pollutant sources and BMPs for specific types of HVPS facilities.

- Y. At the time of the January Inspection, Respondent was not implementing the ERP as written in violation of Part 3.3.5 of the Permit. During the January Inspection, the EPA observed multiple instances where Respondent failed to implement the ERP as written when violations were observed during field inspections. For example, Respondent's inspector stated that he uses verbal warnings on occasion to gain compliance from construction and industrial site operators, as well as for illicit discharges; however, the ERP states that, in these cases, a written notice to comply (e.g., NOV) shall be issued upon initial discovery of violations onsite.
- Z. Respondent's last two MS4 annual reports were submitted late in violation of Part 4.1 of the Permit. This section of the permit states that: "[t]he permittee shall prepare an annual system-wide report covering the reporting period May 1 through April 30. The report shall be submitted by June 15th following the reporting period." The 2015 MS4 Annual Report was submitted on September 8, 2015, and the 2016 MS4 Annual Report was submitted on June 20, 2016.

14. On June 20, 2019, the EPA and the Respondent fully executed an Administrative Compliance Order on Consent ("AOC"), Docket No. CWA 04-2019-4751, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a). In that AOC, the Respondent agreed to perform certain actions to come into compliance with the Permit.

15. Therefore, the Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, due to its failure to comply with the Permit.

III. Stipulations and Findings

16. Complainant and the Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order ("CA/FO") will simultaneously commence and conclude this matter.

17. For the purposes of this CA/FO, the Respondent admits the jurisdictional allegations set out above, neither admits nor denies the factual allegations set out above.

18. The Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

19. The Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CA/FO and consents to the other conditions set forth in this CA/FO.

20. By signing this CA/FO, the Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each such submission, response and statement. The Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

21. The EPA reserves the right to assess and collect any and all civil penalties for any violation described herein to the extent that any information or certification provided by the Respondent was materially false or inaccurate at the time such information or certification was provided to the EPA.

22. Complainant and the Respondent agree to settle this matter by their execution of this CA/FO. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of the CWA.

IV. Payment

23. Pursuant to Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), and 40 C.F.R. Part 19, and considering the nature of the violations and other relevant factors, the EPA has determined that thirty-four thousand dollars (\$34,000) is an appropriate civil penalty to settle this action.

24. The Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CA/FO via a cashier's or certified check, payable to the order of "Treasurer, United States of America." The check shall reference on its face the name of the Respondent and the Docket Number of this CA/FO. Such payment shall be tendered to:

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

For other payment options (Ex: Wire Transfers, Overnight Mail, ACH, and On Line) please refer to Attachment A.

25. At the time of payment, the Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CA/FO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Mr. Mark Robertson
Surface Water & Ground Water Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

26. The penalty amount specified above shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of federal taxes.

27. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by the Respondent to pay the penalty assessed by the CA/FO in full by its due date may subject the Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CA/FO), attorney's fees, costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CA/FO shall not be subject to review.

V. General Provisions

28. This CA/FO shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. Other than as expressed herein, compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

29. Issuance of this CA/FO shall not be deemed as prohibiting, altering, or in any way limiting the ability of the EPA to pursue any other enforcement actions available to it under law. Such actions may include, without limitation, any administrative, civil, or criminal action to seek penalties, fines, injunctive, or other appropriate relief, or to initiate an action for imminent and substantial endangerment, under the CWA or any other federal or state statute, regulation, or permit.

30. Except as otherwise set forth herein, this CA/FO constitutes a settlement by Complainant and the Respondent of all claims for civil penalties pursuant to the CWA with

respect to only those violations alleged in this CA/FO. Except as otherwise set forth herein, compliance with this CA/FO shall resolve the allegations of violations contained herein.

31. Nothing in this CA/FO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this CA/FO.

32. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.

33. This CA/FO applies to and is binding upon the Respondent and its officers, directors, employees, agents, successors and assigns.

34. Any change in the legal status of the Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter the Respondent's responsibilities under this CA/FO.

35. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CA/FO.

36. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service related to this proceeding:

For Complainant:

Patrick Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

For Respondent:

V. Lee Thompson, Jr., Esq.
Thompson, Sweeny, Kinsinger & Pereira, P.C.
P.O. Drawer 1250
Lawrenceville, Georgia 30046

37. The parties acknowledge and agree that this CA/FO 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 CA/FO based on comments received during the public comment period.

38. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Georgia was provided a prior opportunity to consult with Complainant regarding this matter.

39. Effective upon signature of this CA/FO by the Respondent, the Respondent agrees that the time period commencing on the date of its signature and ending on the date the EPA receives from the Respondent the payment required by this CA/FO shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by the EPA related to the matters addressed in this CA/FO and that, in any action brought by the 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. If the EPA gives notice to the Respondent that it will not make this CA/FO effective, the statute of limitations shall begin to run again commencing ninety days after the date such notice is sent by the EPA.

VI. Effective Date

40. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:


For RESPONDENT, CITY OF LAWRENCEVILLE:



Chuck Warbington, City Manager
City of Lawrenceville

Date: 7/10/19

For COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:



Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4

Date: 9/11/19

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
CITY OF LAWRENCEVILLE) CONSENT AGREEMENT AND
LAWRENCEVILLE, GEORGIA) FINAL ORDER
)
RESPONDENT.) DOCKET NO. CWA-04-2019-4502(b)
_____)

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, 40 C.F.R. Part 22, and authorities delegated to me, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Pursuant to Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), the Respondent is hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY:

Date: September 12, 2019



Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of: **Docket No. CWA-04-2019-4502(b)** on the parties listed below in the manner indicated:

By hand-delivery: Patrick Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

By certified mail,
return receipt requested: V. Lee Thompson, Jr., Esq.
Thompson, Sweeny, Kinsinger & Pereira, P.C.
P.O. Drawer 1250
Lawrenceville, Georgia 30046

James A. Capp, Branch Chief
Watershed Protection Branch
Erosion and Sedimentation Unit
Georgia Environmental Protection Division
420 International Parkway
Suite 101
Atlanta, Georgia 30354

Dated: 9-12-19


Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

ATTACHMENT A
COLLECTION INFORMATION

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental
Protection Agency"

OVERNIGHT MAIL:

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

Contact: Natalie Pearson
314-418-4087

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact – Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.
This payment option can be accessed from the information below:

WWW.PAY.GOV (Enter sfo 1.1 in the search field Open form and complete required fields).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 12 2019

CERTIFIED MAIL 7018 2290 0000 6353 9175
RETURN RECEIPT REQUESTED

V. Lee Thompson, Jr., Esq.
Thompson, Sweeny, Kinsinger & Pereira, P.C.
P.O. Drawer 1250
Lawrenceville, Georgia 30046

Re: Consent Agreement and Final Order
Lawrenceville MS4
Docket No.: CWA-04-2019-4502(b)
National Pollution Discharge Elimination System Permit No.: GAS000122

Dear Mr. Thompson:

Enclosed is a fully executed copy of the Consent Agreement and Final Order, Docket No. CWA-04-2019-4502 (b), that has been finalized by the U.S. Environmental Protection Agency, Region 4. Please make note of the provisions under Paragraph IV. Payment.

Should you have any questions or problems, please contact Ms. Becky Garnett at (404) 562-8083. Legal inquiries should be directed to Mr. Stephen Smith, Associate Regional Counsel, at (404) 562-9554.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Jo Bragan".

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

Enclosure

cc: Mr. Lewis Hays
Georgia Environmental Protection Division

Mr. Cameron Wolf
Georgia Environmental Protection Division