



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
WASTEWATER ESA

FILED

Mar 26, 2025

11:09 am

U.S. EPA REGION 4
HEARING CLERK

IN THE MATTER OF:

Walthall POTW,

Village of Walthall, Mississippi.

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DOCKET NO.: CWA-04-2024-1013(b)

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

NPDES Permit No. MS0042501

The undersigned representative of the United States Environmental Protection Agency (EPA) and the Village of Walthall, Mississippi (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).

On June 2, 2022, representatives of the EPA inspected Respondent's facility at Lagoon Road, Walthall, Mississippi (Site). The EPA finds that: (1) Respondent, who is the owner and operator of the Site, failed to comply with the Permit issued pursuant to Section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342, 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 Findings and Alleged Violations Form" (Alleged Violations Form). The Alleged Violations Form is hereby incorporated into this Agreement by reference.

Respondent admits that 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 \$450. 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 Expedited Settlement Agreement and Final Order and shall be made in accordance with the attached Expedited Settlement Agreement 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 State of Mississippi 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.

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 EPA, this proposed ESA is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Alleged Violations Form.

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

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 Expedited Settlement Agreement and Final Order are effective 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.

APPROVED BY THE EPA:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

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:

Tanya Floyd
Regional Judicial Officer

APPROVED BY RESPONDENT:

Name (print): Belinda Stewart

Title (print): Mayor

Signature: Belinda Stewart Date: 7/24/24

Attachments:

1. Alleged Violations Form
2. Payment Instructions
3. Certificate of Service

ENCLOSURE A
Expedited Settlement Offer
Findings and 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 a 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 Environmental Quality (MDEQ), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.
3. The Village of Walthall (Respondent) is a municipality 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, the Respondent owned and operated a Publicly Owned Treatment Works (POTW) located at Lagoon Road, Walthall, Webster County, MS 39771.
5. On August 6, 2020, the MDEQ issued NPDES Permit No. MS0042501 (Permit) to Walthall POTW. Under this Permit, the POTW is permitted to discharge "pollutants" from a "point source" into Hays Creek. Hays Creek drains southeast into Little Black Creek, which flows south into the Big Black River.
6. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines "navigable waters" as "[t]he waters of the United States, including the territorial seas."
7. The Big Black River is a traditionally navigable water of the United States and a "navigable water," or "water of the United States," as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and its implementing regulation 40 C.F.R. § 120.2(a).
8. Hays Creek and Little Black Creek, as relatively permanent or continuously flowing tributaries to the Big Black River, are also "waters of the United States" within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 120.2(a).
9. Pursuant to 40 C.F.R. Part 122.41(l)(4)(i), the Respondent is required to comply with the conditions of the Permit.
10. Condition S-1 of the Permit requires the Respondent to submit analytical results on an annual Discharge Monitoring Report (DMR) which is due each year by the 28th of January.

11. Condition S-2 of the Permit requires the Respondent to submit analytical results on a monthly DMR which is due no later than the 28th day of the month following the completed reporting period.
12. On June 6, 2022, the EPA conducted an inspection of the Respondent's POTW. On March 22, 2024, the EPA discovered, through its Integrated Compliance Information System (ICIS) database, that the Respondent's annual and monthly DMRs had not been submitted from June 2022 through February 2024.
13. Based on the missing information in the ICIS database, the EPA has determined that the Respondent violated Section 301 of the CWA, 33 U.S.C. § 1311, by failing to comply with the Permit, which required the Respondent to submit annual and monthly DMRs between June 2022 and February 2024.

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 cashier's check, certified check, or 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 standard U.S. Postal Service delivery, the payment shall be addressed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197

If Respondent sends payment by non-standard mail delivery (FedEx, DHL, UPS, USPS certified, registered, etc.) the payment shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail South
Earth City, Missouri 63045

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
Beneficiary: Environmental Protection Agency

If paying by ACH, Respondent shall remit payment to:

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
REX (Remittance Express): 1-866-234-5681

If paying with a debit card or credit card:

Online 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. No username, password, or account number is necessary for this option.

Respondent shall send proof of payment within 24 hours of payment, to:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Mel-Chilecee Taylor
taylor.melchilecee@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Expedited Settlement Agreement and Final Order, in the Matter of **Village of Walthall, MS, Docket No. CWA-04-2024-1013(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: Belinda Stewart, Mayor
Village of Walthall
61 North Dunn Street
Eupora, Mississippi 39744
belinda@belindastewartarchitects.com
(662)-258-6405

To EPA: Mel-Chilecee Taylor, Physical Scientist
taylor.melchilecee@epa.gov
404-562-9586

Jay Khuti, Attorney-Advisor
Khuti.jay@epa.gov
404-562- 8390

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