



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
WASTEWATER ESA

IN THE MATTER OF:

Doddsville POTW

Town of Doddsville, Mississippi

DOCKET NO.: CWA-04-2024-1014(b)

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

NPDES Permit No. MS004458

The United States Environmental Protection Agency (EPA) and the Town of Doddsville (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).

Respondent's facility is located at 3079 Highway 49 Doddsville, MS 38736 (Site). The EPA finds that: (1) Respondent, who is an 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 Violations Form for Wastewater (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 \$840. 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, subject to civil and criminal penalties for making a false submission to the United States Government, 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 Section 301(a) of the Clean Water Act 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.

Attachments:

1. Alleged Violations Form
2. Payment Instructions

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 on the date of filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b). 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 RESPONDENT:

Name (print): Torey Bell
Title (print): Mayor
Signature: Torey Bell Date: 12-09-2024

APPROVED BY THE EPA:

Mary Jo Bragan
Chief, Water Enforcement Branch
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:

Regional Judicial Officer

ENCLOSURE A
Expedited Settlement Offer Violations Form for 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 Environmental Quality (MDEQ) approval to issue NPDES permits pursuant to Section 402(b) of the CWA.
3. The Town of Doddsville (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 3079 Highway 49 Doddsville, MS 38736.
5. On December 18, 2023, the MDEQ issued NPDES Permit No. MS004458 (Permit) to Doddsville POTW. Under this Permit, the POTW is permitted to discharge "pollutants" from a "point source" into Big Sunflower 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. Big Sunflower River is a traditionally navigable water 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)
8. Pursuant to 40 C.F.R. Part 122.41(l)(4)(i), the Respondent is required to comply with the conditions of the Permit.
9. Condition S-4 of the Permit requires the Respondent to submit analytical results on its annual and monthly Discharge Monitoring Reports (DMRs) which are due no later than the 28th day of the month following the completed reporting period.
10. On May 17, 2024, through its Integrated Compliance Information System (ICIS) database, the EPA discovered that the Respondent's annual and monthly DMRs had not been submitted for January 2019 to December 2023.

11. On September 16, 2024, based on conversations with Respondent, the EPA determined that required analytical sampling had not been completed for permitted parameters from January 2019 to December 2023.

12. Therefore, the EPA has determined that the Town of Doddsville violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a), for failing to comply with the Permit condition to sample and submit DMRs no later than the 28th day of the month following the completed reporting period.