



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

September 27, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7497

Honorable Larry Pruitt
Maben POTW
PO Drawer L
Maben, MS 39750

**Re: Maben POTW
Order No. 6793 17**

Dear Mayor Pruitt:

Enclosed you will find a copy of Order No. 6793 17, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Thomas Tynes at (601) 961-5578.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Thomas Tynes

Agency Interest No. 13237
ENF20170002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6793 17

CITY OF MABEN
PO DRAWER L
MABEN, MISSISSIPPI 39750

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and City of Maben, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a wastewater treatment system, Maben POTW, located in Webster County and subject to NPDES Permit No. MS0020966. By letters dated April 6, 2016 and March 1, 2017, Respondent was contacted by Complainant and notified of the following violations:

The effluent total ammonia nitrogen limitation was exceeded and met the significant non-compliance criteria during 2015 and 2016.

The BOD 5-day effluent limitation was exceeded in 2015; BOD 5-day percent removal and total suspended solids percent removal limitations were exceeded in 2015 and 2016 but did not meet the criteria for significant non-compliance. Respondent reported the probable cause of the violations.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$1,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:
Mississippi Department of Environmental Quality
Attn: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225
- B. On or before December 31, 2018, Respondent shall complete the necessary upgrades and/or modifications at the wastewater treatment facility in order to bring it into compliance with its NPDES permit limitations and submit written documentation of completion to MDEQ no later than January 14, 2019.
- C. Respondent agrees to pay a stipulated penalty payable to Complainant, due within thirty (30) days of written notification from MDEQ, in the amount of \$500 if compliance is not met on or before the date specified in paragraph 2.B. Respondent agrees to pay an additional stipulated penalty in the amount of \$100 per month after the date specified in paragraph 2.B. until compliance is met.
- D. On or before March 31, 2019, Respondent shall have complied with the effluent total ammonia nitrogen limitations found in its NPDES permit for three (3) consecutive calendar months. Respondent shall demonstrate compliance through the submission of monthly analytical testing results, due no later than the 28th day following each completed monthly monitoring period.
- E. Respondent agrees to a stipulated penalty payable to Complainant, due within thirty (30) days of written notification from MDEQ, in the amount of \$500 if compliance is not met on or before the date specified in paragraph 2.D. Respondent agrees to pay an additional stipulated penalty in the amount of \$100 per month after the date specified in paragraph 2.D. until compliance is met.

3.

Until such time that Respondent demonstrates compliance with its total ammonia nitrogen effluent limitation but not later than December 31, 2018, the interim limitations for this parameter shall be “report only”. Respondent shall monitor the total ammonia nitrogen as required by NPDES permit and report the results through the submission of Discharge Monitoring Reports during this time period. All other parameter limitations shall remain as stated in the NPDES permit.

4.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, in the event Respondent fails, or refuses, to pay any stipulated penalty provided for in this Agreed Order, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

5.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

6.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not


addressed herein and for future violations of environmental laws, rules, and regulations.

7.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 27th day of SEPTEMBER, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 19 day of September, 2017.

CITY OF MABEN

BY: [Signature]

TITLE: Mayor

STATE OF MISSISSIPPI

COUNTY OF Webster

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Larry L. Pruitt who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Mayor of City of Maben and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 19th day of September 2017.

[Signature]
NOTARY PUBLIC
STATE OF MISSISSIPPI
ID # 113241
EARL JOHNSON
Commission Expires
July 30, 2019
WEBSTER COUNTY

My Commission expires: July 30, 2019