

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. _____

7046 20

CITY OF WINONA
P.O. BOX 29
WINONA, MISSISSIPPI 38967

RESPONDENT

AGREED ORDER

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

1.

Respondent owns and operates a wastewater collection and treatment system, Winona POTW in Montgomery County, subject to NPDES Permit Number MS0021024. By letters dated December 10, 2019, March 17, 2020, and May 27, 2020, Respondent was contacted by Complainant and notified of the following violations at its facility located at 400 Stafford Wells Road, Winona, Mississippi:

- A. Respondent exceeded the effluent Total Ammonia Nitrogen concentration limitations during the months of July through October 2019.
- B. Respondent exceeded the effluent Total Ammonia Nitrogen loading limitations during the months of September and October 2019.
- C. Respondent exceeded the effluent 5-day Biochemical Oxygen Demand (BOD₅) concentration limitations during the months of July and September 2019.
- D. Respondent exceeded Total Recoverable Zinc concentration limitations during the

month of November 2019.

- E. Respondent violated NPDES Permit Condition No. S-4 which states, Noncompliance Notification – Twenty-Four Hour Reporting – “(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and/or prevent recurrence of the noncompliance. (2) The following shall be included as information which must be reported within 24 hours...(ii) any upset which exceeds any effluent limitation in the permit.”

Respondent failed to timely notify MDEQ that one clarifier malfunctioned which required repairs. During that same time period, the East Oxidation Ditch was brought down for annual maintenance.

Respondent submitted documentation dated December 18, 2019, reporting that the clarifier was inoperable from April 2019 to the first week of October 2019. The clarifier including the bearings and shearing pin was replaced. While the clarifier was under maintenance, annual maintenance was performed to the East Oxidation Ditch which included the replacement of bearings, gear boxes, and a rotor shaft. The combination of these events, caused the facility to violate the effluent limitations.

Respondent asserted that the facility has returned to compliance with its NPDES Permit effluent limitations.

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 \$1,000.00. Respondent shall pay this penalty to MDEQ within forty-five

(45) days after this Agreed Order has been executed by the MDEQ Interim Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

3.

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.

4.

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.

5.

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 5th day of June, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 29th day of MAY, 2020.

CITY OF WINONA

BY: Jerry Flowers

TITLE: MAYOR

STATE OF Mississippi

COUNTY OF Montgomery

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

SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of May, 2020.

Tiffany Everett
NOTARY PUBLIC

My Commission expires: April 24, 2023

