



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 9

75 Hawthorne St (ENF 3-1)

San Francisco, CA 94105

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2025-0004

MI Metals, Inc., Prescott Valley, AZ

The United States Environmental Protection Agency (EPA) and MI Metals, Inc., a Florida corporation, (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's federal civil penalty liability for alleged violations of the Clean Water Act Pretreatment Regulations for wastewater discharges to the Prescott Valley Treatment Plant.

The EPA has determined that Respondent failed to comply with the Pretreatment Requirements codified at 40 CFR §403.12(e)(1), which requires semi-annual reporting of compliance to the Control Authority. EPA finds that Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. §1362(5), and that Respondent is responsible for the violations specified in the attached Expedited Settlement Offer Worksheet Findings and Proposed Violations Form for Wastewater (Violations Form). The Violations Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to section 309(g) of the Act, 33 U.S.C. §1319(g), and 40 C.F.R. Part 22. Respondent neither admits nor denies the violations specified in the Violations Form.

Respondent agrees to pay a penalty of **\$2,000** by the deadline specified in the following paragraph. Respondent waives the rights (1) to contest the statements in the Violations Form and (2) to appeal any final order that an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any violations identified in the Violations Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit an itemized list to the EPA detailing the specific actions taken to correct the violations cited in the Violations Form. Respondent also certifies that, no later than ten (10) calendar days after it receives notice from EPA that the Final Order has been issued, Respondent shall submit a payment, with the case name and docket number noted, for the amount specified below, payable to the Treasurer, United States of America, to:

U.S. Environmental Protection Agency
Fines and Penalties/Cincinnati Finance Center
P.O. Box 979078

St. Louis, MO 69197-9000

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At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to Jim Polek, polek.jim@epa.gov, and the Region 9 Hearing Clerk, r9hearingclerk@epa.gov.

This Agreement, upon incorporation into a 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 and facts alleged in the Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue additional violations not specifically listed in the Violations Form or appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 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.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement consistent with section 309(g)(4) of the Act, 33 U.S.C. §1319(g)(4), and 40 C.F.R. §22.45.

APPROVED BY EPA:

Date: October 27, 2024

/s/

Roberto Rodriguez, Assistant Director, Water Branch
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Melvin Mitchell

Title (print): Environmental, Health and Safety Director

Signature: /s/

Date: October 1, 2024

Docket Number: CWA-09-2025-0004

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A).

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

Steven L. Jawgiel
Regional Judicial Officer

Date: _____