



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
CONSTRUCTION STORMWATER ESA**

<b>IN THE MATTER OF:</b>	)	DOCKET NO.: CWA-04-2025-1005(b)
	)	
OAKS AT DAWSON-MERITAGE HOMES	)	
	)	Expedited Settlement Agreement and Final
Order	)	
	)	Pursuant to Clean Water Act Section 309(g)
Respondent.	)	
<hr style="width: 45%; margin-left: 0;"/>		NPDES Permit No. GAR38F110

The undersigned representatives of the United States Environmental Protection Agency (EPA) and Meritage Homes (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 storm water permit cited above (Permit). On 10/26/2023 representatives of the EPA inspected the Respondent's site at Huckleberry Ford and Walnut Drive, Dawsonville, Georgia, 30534 (Site). Observations indicated operations at the Site were not in compliance with the requirements of the Permit.

Based on information obtained during the EPA inspection, the EPA found that: (1) Respondent, who is the owner and operator of the Site, failed to comply with the Permit, which was issued pursuant to section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342; (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 "Inspection Findings, Alleged Violations, and Proposed Penalty Form" (Alleged Violations Form). The Alleged Violations Form is hereby 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). Respondent 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 \$14,000. 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 CWA § 309 (g)(8), 33 U.S.C. § 1319(g)(8). The civil penalty will be due within thirty (30) days of the Effective Date of this ESA 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 attorneys' fees related to this ESA.

Failure by Respondent to pay the penalty assessed by this ESA and Final Order in full by the due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorneys' 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.

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 Section 301(a) of the 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.

Pursuant to Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45, 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.

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 the EPA, this proposed ESA is withdrawn without prejudice to the 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 ESA and Final Order are effective on 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 RESPONDENT:

Name (print): Carl Houghland

Title (print): Land Development Mgr.

Signature: Carl Houghland Date: August 4, 2025

**Attachments:**

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

**APPROVED BY THE EPA:**

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Keriema S. Newman  
Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 4

**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:**

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Regional Judicial Officer

**ENCLOSURE A**  
**Construction Stormwater Inspection**  
**Findings, Alleged Violations, and Proposed Penalty 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 U.S. Environmental Protection Agency (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 Georgia, through the Georgia Environmental Protection Division (GAEPD), authorization to issue NPDES permits pursuant to Section 402(b) of the CWA.
3. The GAEPD issued NPDES GENERAL PERMIT NO. GAR100003 for Stormwater Discharges Associated with Construction Activity for Common Development Construction Projects on August 1, 2018 (hereinafter, "GA Permit"). The GA Permit was issued in accordance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). The GA Permit was administratively continued with an expiration date of August 22, 2024. Coverage under the Permit is obtained by submitting a Notice of Intent to GAEPD.
4. Part IV.D.3.a(1) of the GA Permit requires permittees to initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
5. Part III.D.1 of the GA Permit states that best management practices (BMPs) are required for all construction activities and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (GA Manual).
6. Part III.D.3 of the GA Permit states that the failure to properly design, install, or maintain BMPs shall constitute a violation of the GA Permit for each day on which such failure occurs.

7. Part IV.D.3.c.(6) of the GA Permit requires that the Erosion and Sedimentation Pollution Prevention Plan ("Plan") shall include best management practices for concrete washdown of tools and concrete mixer chutes.
8. On October 26, 2023, the EPA, in conjunction with GAEPD, performed a stormwater Compliance Evaluation Inspection (CEI) at the Site to evaluate Respondent's compliance with the requirements of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the GA Permit, Permit No. GAR38F110 (Permit).
9. Based on the CEI, and due to the hydrology of the Site, in which significant portions of the Site had not been stabilized and impervious surfaces and/or tightly packed material represented Site conditions, the EPA has determined that, between October 2023 and April 2024, stormwater associated with Respondent's construction activity discharged offsite into Thompson Creek, which is located along the Site's northern boundary, via two main drainage features, which both extend from Thompson Creek onto the Site. Thompson Creek flows northeasterly for about 1.3 miles until it discharges into the Etowah River. In the EPA's Supplemental Guidance to the Interim Clean Water Act Settlement Penalty Policy (March 1, 1995) for Violations of the Construction Storm Water Requirements, 0.5-inch of rain during a 24-hour period is used as the general benchmark for likely stormwater runoff to result in a discharge. According to rain data available from the National Weather Service for this area, seven months during the period from October 2023 to April 2024 experienced one or more rainfall events greater than 0.5 inch of precipitation.
10. 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."
11. The Etowah 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. § 230.3(s) (2014).
12. Thompson Creek, as a relatively permanent or continuously flowing tributary to the Etowah River, is also a "water 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. § 230.3(s) (2014).
13. On January 4, 2024, the EPA issued an Inspection Report to the Respondent. During the CSWEI, the EPA inspectors observed the following:
  - A. There were multiple areas on the Site where either rills and/or gullies were forming, and stabilization was inadequate. GA Permit Part V.L requires the permittee to properly operate and maintain

all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit and with the required plans at all times.

- B. Multiple drainage outlets needed maintenance. The silt fences around the outlets were filled with silt and showed evidence of previous overtopping.  
GA Permit Part V.L requires the permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit and with the required plans at all times.
- C. The concrete washout pit was improperly installed. Multiple portions of the haybale wall were missing. A pit had not been dug, and the plastic liner was sitting at-grade. GA Permit Part V.L requires the permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit and with the required plans at all times.
- D. Multiple inches of sediment had been deposited in the westernmost culvert crossing. GA Permit Part V.L requires the permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit and with the required plans at all times.
- E. Sediment was escaping the silt fence and leaving the site in the area behind and west of lot #54. Sediment transport stopped in the wooded area and did not reach the buffer zone. GA Permit Part V.L requires the permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit and with the required plans at all times.

- 14. On July 31, 2024, the EPA issued a Notice of Violation (NOV) and an Opportunity to Show Cause to Respondent, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), and an Information Request pursuant to Section 308 of the CWA, 33 U.S.C. § 1318.

15. On September 19, 2024, the EPA received Respondent's response to the Information Request. A show cause meeting was held September 26, 2024. Additional information for EPA to review was received from the Respondent following the show cause meeting on September 26, 2024. Accordingly, a follow up show cause meeting was held on October 17, 2024.
16. Based on the CEI and information received as part of Respondent's response to the EPA's Information Request, the EPA determined that Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, by failing to comply with conditions of its GA Permit.

**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. 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: U.S. 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](http://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](mailto:R4_Regional_Hearing_Clerk@epa.gov)

and

Lonnie Dorn  
[Dorn.lonnie@epa.gov](mailto:Dorn.lonnie@epa.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing "Expedited Settlement Agreement" and "Final Order," in the **Matter of Oaks at Dawson- Meritage Homes, Docket Number CWA-04-2025-1005(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:** Carl Houghland, Land Development Manager  
Meritage Homes  
Carl.Houghland@meritagehomes.com  
(404) 545-5125

**To EPA:** Lonnie Dorn, Water Enforcement Branch  
U. S. EPA Region 4  
980 College Station Rd., Athens, GA 30605  
Dorn.Lonnie@epa.gov  
706-355-8683

Paula Feldmeier, Attorney-Advisor  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
Feldmeier.Paula@epa.gov  
404-562-8276

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Atlanta, Georgia 30303-8960  
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