

Hattiesburg wastewater consent agreement made official

Tim Doherty, American Staff Writer 11 p.m. CDT September 30, 2014



(Photo: file photo)

United States District Court Judge Keith Starrett officially signed off Monday on a consent agreement between the City of Hattiesburg and Gulf Restoration Network.

Under the agreement, Hattiesburg has until September 2018 to build a wastewater treatment system that will prevent polluted waters from being discharged into the Leaf and Bouie rivers.

"This came from negotiations with Gulf Restoration Network in the federal court," City Council President Kim Bradley said Tuesday afternoon. "It changed some of the timelines. It changed some of the fines, increased the fines."

Hattiesburg City Council voted in August to accept the modified consent decree that reset the city's clock with various state, federal and private environmental entities for having a revamped treatment system designed, under construction and in operation.

The new order bumped an October deadline to have a system designed to September 2015, and a February 2017 operational deadline to September 2018.

"It allows us to have a little more time to solve our wastewater problems," Mayor Johnny DuPree said.

The new agreement also amended financial penalties levied earlier by the Mississippi Commission on Environmental Quality should the city miss design, construction and compliance deadlines.

The city's two-lagoon, filtering system had been damaged during Hurricane Katrina in 2005, and then further compromised by highly toxic industrial waste from USA Yeast.

That resulted in the discharged effluent going into the rivers exceeding acceptable levels for various toxic elements, including suspended solids, fecal coliform and chlorine residual.

For violations at the lagoons dating back to December 2010, the Mississippi Department of Environmental Quality had fined the city \$101,500 at the rate of \$100 a day.

Under the amended order, the city will pay MCEQ \$1,500 a day for any deadline delays on design (September 2015), construction start (May 2016) and completion (May 2018) of wastewater treatments system.

The penalty would rise to \$2,000 a day if the city fails to meet the operational deadline (September 2018).

The agreement also requires the city to build a downstream, water-quality monitoring station on the Leaf River to make sure that the treatment system is properly filtering the wastewater collected by the city's sewage lagoons.

"This is a win-win for the environment and the people of the city of Hattiesburg, ensuring that the Leaf River is cleaned up while allowing the city the flexibility and time it needs to improve its sewage treatment facilities," GRN water program director Andrew Whitehurst said in statement.

The new agreement had to be reviewed and approved by the U.S. Department of Justice and federal Environmental Protection Agency before being made official before being sent back to district court.

"It had to make the rounds, and allow time for comment, and then it made its way back to Judge Starrett," Bradley said. "Now, it's been entered."

Most ominously for the city, the agreement brings the impetus and weight of the federal courts into the matter.

"The city's sewage lagoons have been the subject of state enforcement orders for the past 20 years," said Corrine Van Dalen, Tulane Environmental Law Clinic attorney. "The goal of this settlement is to end that pattern by making the terms of the amended agreed order between MCEQ and the city enforceable by the federal court."

The city had signed a contract in January with Groundworx, LLC, of Hattiesburg to construct a land-application disposal system. But DuPree vetoed a rate hike that would have paid for the \$141 million system.

In June, Groundworx sued the city in Forrest County Chancery Court, claiming breach of contract. In August, the city council voted to allow DuPree to terminate the Groundworx agreement.

DuPree said the city must determine what kind of system makes the most sense to solve the wastewater discharge system and move forward with its adoption and construction.

"We have to decide what treatment method we're going to use," DuPree said. "That's the next step."

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