



61°

Clear
Bay Springs

[FULL FORECAST](#)

Search

Hattiesburg heading back to federal court over wastewater regulations

Published: Tuesday, November 22nd 2016, 10:42 pm CST

Updated: Tuesday, November 22nd 2016, 11:00 pm CST

By Amanda LaBrot, Reporter [CONNECT](#)

HATTIESBURG, MS (WDAM) - The City of Hattiesburg is heading to federal court to challenge its current agreement with Gulf Restoration Network and the treatment levels it sets for wastewater.

The Hattiesburg City Council vote 4-1 at its meeting Tuesday to "authorize the city's attorneys to take all action necessary to obtain relief from or with respect to the consent judgment in Gulf Restoration Network v. City of Hattiesburg."

Keith Turner, attorney with Watkins & Eager who's representing the city, said the current consent judgment requires the city's wastewater to be treated at such a high level it essentially forces the city to build a mechanical treatment plant.

"The city has shifted its direction in trying to have the lagoons continue to operate to save dollars and be able to continue on with that system without having to spend \$150 million on alternatives," Turner said. "As part of that, there's a consent judgment from the federal court that's controlling what the city does. We have attempted to go back to Gulf Restoration Network, GRN, and renegotiate that with them because there's terms in that agreement that force the city to have to use mechanical plants. It's not necessary at this point, so the goal basically was 'OK let's renegotiate the term of this to whatever the (Mississippi Department of Environmental Quality) require of us, whatever the legal requirements through DEQ, and satisfy them. That's what we're trying to do.' Unfortunately GRN is uncooperative and didn't want to negotiate those terms. They wanted to leave it as it was."

Now, a federal judge will decide if the city's consent judgment will be amended or thrown out.

"Proceed with going back to court to really protect the city's interests," Turner said. "That's what the goal is here - not to spend money that's not necessary, to allow us to just comply with the existing permit as the DEQ has written it. The DEQ has said on many occasions, publicly I believe, that they don't dictate to the entities on what type of system you have to build. Well, this consent judgment, because of the language that's in there, essentially is doing that. It's forcing us to have to do a mechanical plant, and that's the part that GRN is refusing to be flexible or modify."

Turner said no court date is set yet, but he expects to be in court in the next several weeks.

RESOLUTION

RESOLUTION OF THE CITY OF HATTISBERG, MISSISSIPPI THE NECESSARY TO OBTAIN RELIEF FROM OR WITH RESPECT TO THE CONSENT JUDGMENT IN GULF RESTORATION NETWORK, A CITY OF HATTISBERG (GSR, S.A., 896, E.A., No. 21209684-88-SJCO).

WHEREAS, on or about October 5, 2011, the City entered into Agreed Order No. 6034 11, with the Mississippi Commission on Environmental Quality ("MCEQ") intended to remedy the City's non-compliance of its wastewater effluent permit limits, which Agreed Order was entered on February 12, 2012;

WHEREAS, Gulf Restoration Network ("GRN") sued the City on March 2, 2012, seeking an injunction to prevent the City from discharging effluent from its wastewater treatment plant into the Mississippi River and to require the City to build a mechanical plant;

WHEREAS, subsequently, the City, in order to protect its wastewater treatment plant from further damage, filed an appeal against a local industry which produce effluent that was a primary contributor to the poor performance of the Hattisburg, and the City was ultimately successful in requiring that industry to install equipment to prevent its effluent from entering into the City's sewage system;

WHEREAS, subsequently, the City, GRN and the MCEQ agreed to the entry of a Consent Judgment on March 2, 2012, which required the City to build a mechanical plant and the City to meet the MCEQ's most current conditions and be compliant with the MCEQ permits by a date certain; and

WHEREAS, the Amended Consent Judgment is specific to two engineering milestones which, at the time, were believed by all parties to be the only viable option to permit the City to meet its discharge permit requirements; and

WHEREAS, under the then existing circumstances, the discharge limits set forth in paragraph 7 of the Amended Consent Judgment, which can only be met by a fully mechanical treatment system, effectively would require the City to build a mechanical plant; and

WHEREAS, by early 2016, the existing Hattisburg demonstrated that they could meet the MCEQ Phase II permit requirements by installing a fully mechanical treatment system; and

WHEREAS, as a result from the MCEQ to the City dated September 6, 2016, the MCEQ stated that the City has demonstrated substantial compliance with its MCEQs Phase II discharge limitations from November 2011 through early 2016; and

WHEREAS, the City has continued to take reasonable action to ensure future compliance with the MCEQ's permit by filing a wastewater Hattisburg engineering report to achieve the City of additional steps to ensure future compliance with the MCEQ's permit, and by ensuring that a permit application is submitted through the appropriate channels; and

WHEREAS, the MCEQ does not mandate engineering solutions necessary to satisfy permit obligations; and

WHEREAS, because the limitations set forth in paragraph 7 of the Amended Consent Judgment exceed the limits imposed by the MCEQ's permit, GRN is effectively demanding that the City meet wastewater effluent limits which exceed what is required by the Clean Water Act; and

WHEREAS, negotiations with GRN to modify the Assent because GRN continues to demand that the City meet the same discharge limitations as set forth in the Amended Consent Judgment, fully mechanical wastewater treatment plant and

WHEREAS, because GRN continues to attempt to prevent the City from discharging effluent from its wastewater treatment plant under the terms of the current Amended Consent Judgment, which, if taken into effect, would require the City to build a mechanical plant to meet the MCEQ's permit, and the fact that the Amended Consent Judgment does not require the City to build the mechanical plant; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF HATTISBERG, MISSISSIPPI, HEREBY

Adoption, William & Edgar, H.L.C. to act in good faith by taking all necessary action to obtain relief from the Consent Judgment issued in GULF RESTORATION NETWORK (GSR, S.A., 896, E.A., No. 21209684-88-SJCO). The above and foregoing Resolution, after having been read and explained to the City Council, and approved by the City Council, and was adopted by the following vote, to-wit:

YEAS: _____
NAYS: _____

The motion having received the affirmative vote of the City Council, the motion carried and the Resolution is hereby adopted.

CITY COUNCIL DEBATED THE MOTION CARRIED AND THE RESOLUTION IS HEREBY ADOPTED.

ATTEST: _____

CLERK OF COUNCIL _____

The above and foregoing Resolution having been read and explained to the City Council, and approved by the City Council, and was adopted by the following vote, to-wit:

CITY CLERK _____

Copyright 2016 WDAM. All rights reserved.

RECOMMENDED STORIES



Why is the role for Advanced Practice Nurses Expanding?
Sponsored | Herzing University



Can Electronic Health Records Stop Cancer?
Sponsored | Forbes



Homeowners Must Claim their \$4271 Before End of 2016.
Sponsored | FetchRate



Real Rarity: Mother Gave Birth to Quadruplets, and Then the Doctor Looked at the Face of The Babies and Saw This!
Sponsored | thebuzztube.com



Teen's Disappearance Unsolved For 15 Years. Until Police Uncover Truth...
Sponsored | LifeDaily



Here's What New Dental Implants Should Cost You - Pricing & Dentist Information
Sponsored | thedentalportal.com



Donald Trump's Advice For Paying Off Mortgage (It's Genius!)
Sponsored | ImproveMortgage



Newly Discovered Images of Los Angeles That'll Make Your Skin Crawl
Sponsored | Historical Past

PROMOTED STORIES

The circus surrounding Hillary's pneumonia *Kevin, M.D. - Medical Weblog*

Missing Florida Man Unsolved For 28 Years. Until Police Uncover Truth... *LifeDaily*

Unnerving Historical Photos From The Old Wild West *Direct Expose*

WE RECOMMEND

Victim identified in Evelyn Gandy Pkwy wreck

Abandoned Jackson hotel goes up in flames

New 'Hamilton' CD features songs by Alicia Keys, Sia, Usher

Reward increased for lead in case of missing Petal man

[Missing Tennessee Teacher Found After Three Months](#) *LifeDaily*

[Burn bans lifted for four more Pine Belt counties](#)

[Allen Iverson's Wife Dropped A Bombshell In Divorce Court](#) *SportsChew*

[Recommended by](#)

IN THE NEWS

Can't Find Something? SEARCH FOR IT HERE

SEARCH



2362 U.S. Hwy 11
Moselle, MS 39459
(800) 844-9326

[FCC Public File](#)
publicfile@wdam.com
(601) 544-4730
[EEO Report](#)
[Closed Captioning](#)

[LOCAL](#)

[WEATHER](#)

[SPORTS](#)

[VIDEO](#)

[TV](#)

[COMMUNITY](#)

[ABOUT US](#)

[DEALS](#)

[WIN STUFF!](#)

[MISSISSIPPI NEWS NOW](#)
